

COMMONWEALTH OF KENTUCKY
CITY OF BERE
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF)
)
JOHN HIMES)
and/or JOHN HIMES HEIRS)
)
(Property located at E. Haiti Road)
Berea, Kentucky))
PVA Parcel ID: B002-0008-0001)

ORDER

This matter came on for hearing before the Code Enforcement Board, upon the issuance of a complaint charging that unimproved property on E. Haiti Road (parcel ID B002-0008-0001) adjacent to 201 E. Haiti Road, was in violation of an accumulation of rubbish or garbage on the property, and the existence of tent dwellers, which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector, Amanda Haney, originally on September 25, 2020 by posting notice of violation on the property.

After receiving numerous complaints from neighbors and no action having been taken in the matter by the property owner, the Code Enforcement Office issued a citation on October 9, 2020 imposing a fine of \$25.00 per day, which as of the date of hearing on November 10, 2020 was in the amount of \$800.00.

Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with Property Maintenance Code 305.1 and 303.1, and city Ordinance §50.001(B)(12).

A hearing was held on this matter before the Code Enforcement Board on November 10, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, vice chari, Terry Bingham, Tom Schultz and James Anderson. Also present were Amanda Haney

of the Code Enforcement Office, and Robin Adams, City Clerk, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney, of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of their inspections of the property at the vacant lot on E. Haiti Road, adjacent to 201 E. Haiti Road and being identified by PVA parcel ID as B002-0008-0001, summarized as follows:

An inspection of the unimproved lot by the Code Enforcement Office found tent dwellings, trash and rubbish about the property. A notice of violation was posted on the property in a conspicuous place on September 25, 2020. After no action having been taken, a citation was issued on October 9, 2020 imposing a fine of \$25.00 per day. It was also noted that property taxes on the property have not been in excess of 5 years.

Jim Scheff, a neighboring property owner testified the condition of the property is a nuisance and drug paraphernalia is present.

Based upon the foregoing findings, the Code Enforcement Board concludes as follows:

1. The unimproved lot on E. Haiti Road, owned by John Himes, and adjacent to 201 E. Haiti Road is currently in violation of the City's Ordinance and Property Maintenance Requirements in that there is trash and rubbish spread about the property, and tent dwellings which do not meet the minimum housing standards are upon the property;

2. The owners of the unimproved property at E. Haiti Road (PVA parcel ID B002-0008-0001, are assessed a fine in the amount of \$800.00 as of November 10, 2020, and accruing at the rate of \$25.00 per day until the property is brought into compliance.

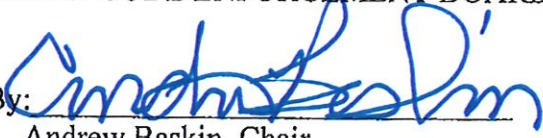
3. The owners were given notice of the hearing as provided by law by posting signs on the property but did not appear.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board Orders

the trash and rubbish and temporary housing structures be cleared from the property by City employees, and that a lien shall be placed on the property for the fine imposed herein and for costs incurred in the clearing and removal of same.

BEREA CODE ENFORCEMENT BOARD

Date: 11/17/2020

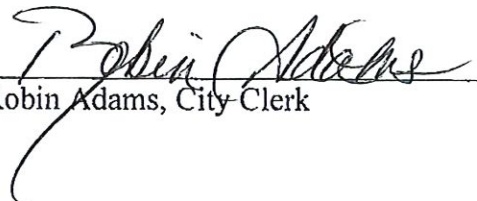
By: 
Andrew Baskin, Chair

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or by hand-delivery, on the date set out below.

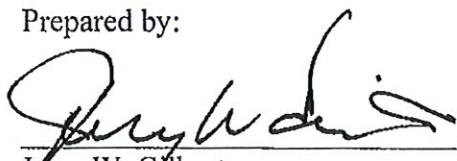
John Himes
3260 Hwy 954
Paint Lick, KY 40461

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Date: 11-17-20

By: 
Robin Adams, City Clerk

Prepared by:


Jerry W. Gilbert
Corporation Counsel