

COMMONWEALTH OF KENTUCKY  
CITY OF BEREA  
CODE ENFORCEMENT BOARD

IN RE: )  
 )  
112 MARY STREET ) ORDER  
Berea, Kentucky )  
David Marshall Rockwell, Owner )

\* \* \* \* \*

This matter came on for hearing before the Code Enforcement Board, upon the issuance of a complaint charging that property at 112 Mary Street was in violation of an accumulation of rubbish or garbage on the property, which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector, Amanda Haney, originally on March 16, 2023, by mailing a notice to the residents. A notice of violation was provided by letter from the Code Enforcement Office dated March 17, 2023 and mailed to the residents.

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 308.1 – Accumulation of Rubbish or Garbage.

Board Members present were Andrew Baskin, Ken Vasey, James Anderson and Rebecca Isaacs. Also present was Amanda Haney, Codes & Planning Administrator; Melissa Isaacs, Codes & Planning Administrative Assistant; Jeff Harness, Codes Officer; Bryan Maniscalco, Codes Officer; and Jerry W. Gilbert, Corporation Counsel.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and provided aerial maps and pictures of the subject property and Codes Officer Harness summarized complaints received by the Codes Department. The complaint received on March 16, 2023, stating there was always trash all over the yard and blowing through the neighborhood and that you must look at the property from the Shirley Street side to get a better

view of the accumulation. Upon inspection, Harness found there was a large rubbish accumulation, especially in the side and rear yards, bags of aluminum cans and some scattered, bags of household garbage and other debris. A violation letter was issued on March 17, with a deadline for clean up of March 24. Violations sited were pursuant to the following:

**Property Maintenance Code 308.1 – ACCUMULATION OF RUBBISH OR GARBAGE**

On March 24, upon re-inspection, Harness spoke with Mr. Rockwell in person at his residence about his failure to comply by the due date and discussed in detail what items needed to be cleaned/removed from the property. Mr. Rockwell explained he had some medical issues and requested an extension to April 5. Harness granted the extension.

On April 5, Harness returned to find there had been some trash picked up and loaded onto a flatbed vehicle. He decided to allow additional time since some efforts were made. Harness returned on April 10 to see there had been no further change. At that visit, he issued an official citation for a fine beginning that day for \$100/day. A return trip on April 30 showed the owners had still made no further attempts at cleanup. As of the date of the hearing, 71 days had passed and the total fine had increased to \$7,100.00.

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

1. The property at 112 Mary Street is currently in violation of the City's Ordinance and Property Maintenance Requirements in that there is trash and rubbish spread about the property;
2. The owners were given notice of the hearing but did not appear.

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

1. All rubbish, garbage and foreign material shall be removed from the lot.
2. The City shall enforce mowing of the property and shall add to the City's mowing list, if necessary.
3. A fine of \$7,100.00 as of June 20, 2023 shall be assessed.
4. A lien shall be placed upon the property for all costs incurred for cleanup as well as the assessed fine and all future mowing expense should it be necessary to add the property to the City's mowing list.

BEREA CODE ENFORCEMENT BOARD

Date: 7/12/2023


By:   
Andrew Baskin, Chair

CERTIFICATE OF SERVICE

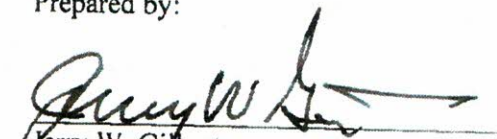
I hereby certify that a true and correct copy of the foregoing Order was delivered by U.S. mail or by hand delivery to the following on this 14<sup>th</sup> day of July, 2023.

*Certified mail to:*  
David Marshall Rockwell  
112 Mary Street  
Berea, Kentucky 40403

*Hand-delivery to:*  
Amanda Haney  
Code Enforcement Office  
City of Berea, KY 40403

  
Melissa Isaacs  
Administrative Assistant, Codes & Planning

Prepared by:



Jerry W. Gilbert  
Corporation Counsel