

COMMONWEALTH OF KENTUCKY  
CITY OF BERA  
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF: )  
 )  
201 BAUGH STREET #68 )  
Berea, Kentucky; )  
Owner: Phillips Mobile Home Park, Ltd; )  
& Sherry James, Mobile Home Owner )

ORDER

\* \* \* \* \*

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 201 Baugh Street #68 was in violation of an accumulation of rubbish or garbage on the property, and property maintenance, which complaint was made by the Code Enforcement Office of the City of Berea, Codes Enforcement Officer Jeff Harness originally on October 27, 2023. Pursuant to Section 70.005(b) of the Berea City Code this Board held a hearing to determine whether the property is compliant with IPMC 308.1: Accumulation of Rubbish and Garbage; Code of Ordinances 70.200(A)(B): Minimum Housing Standards; and Code of Ordinances 50.001(A): Public Nuisance Defined.

A hearing was held on this matter before the Code Enforcement Board on January 23, 2024, at the hour of 6:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, James Anderson, Rebecca Isaacs and Tom Schultz. Also present were Amanda Haney of the Code Enforcement Office; Jeff Harness, Codes Officer; Bryan Maniscalco, Codes Officer; and Melissa Isaacs, Codes & Planning Administrative Assistant, 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 Codes Department and Codes Enforcement Officer Jeff Harness, offered testimony. Officer Harness testified of his inspections of the property at 201 Baugh Street #68. The initial violations leading to the code enforcement began in August 2022, and most recently October 27, 2023. Codes Officer Harness testified the issue was with Sherry James, the owner of the mobile home located in the Phillips Mobile Park operated by Steve Phillips. The violations cited are as follows:

IPMC 308.1: Accumulation of Rubbish and Garbage;

Code of Ordinances 70.200(A)(B): Minimum Housing Standards; and

Code of Ordinances 50.001(A): Public Nuisance Defined

Officer Harness testified that Mr. Phillips had been in contact with him and notified him that he had filed a Forcible Detainer Complaint against Ms. James in December, 2023, in which the Madison District Judge had ruled in Mr. Phillips' favor and an eviction notice and warrant for possession had been entered. Ms. James had failed to move the mobile home within the allotted time, therefore, possession was now in favor of Mr. Phillips.

After being duly sworn, Steve Phillips, operator of Phillips Mobile Home Park, Ltd., the owner, testified as to the action taken by the Madison District Court and that he had been awarded possession of the mobile home. Phillips stated he had scheduled the removal of the mobile home but had not been able to proceed due to the snow and weather in the past couple of weeks. He has no intention of trying to clean up or rent the mobile home as it was not in a livable condition.

Officer Harness stated the Codes Department was now requesting the removal of the mobile home and that the rubbish be cleared from the property.

After being duly sworn, Amanda Haney, of the Berea Codes Department testified the department wanted to give Phillips some time since he had just taken possession of the property. However, if the mobile home isn't removed by the date set by the board, then the matter would be brought back before the board for determination.

Mr. Phillips stated the mobile home movers were scheduled to remove the mobile home the following day, January 24, 2024, barring any unforeseen circumstances that would prevent it. He stated an extension of time would allow a safety net in the event of inclement weather or other circumstances that would prevent the mobile home being moved the following day.

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

1. The property at 201 Baugh Street #68 is currently in violation of the City's Ordinance and IPMC 308.1, in that there is an accumulation of rubbish or garbage on the property, and the property is not being maintained.
2. The owner is attempting to correct the violations, and as such should be granted an extension of time.
3. The owners were given notice of the hearing. The owner of the mobile home, Sherry James, did not appear. Steve Phillips, representative for the property owner appeared and gave testimony.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board ORDERS the property owner is granted an extension to February 29, 2024, to correct the violations.

BEREA CODE ENFORCEMENT BOARD

Date: 2/16/2024

By: Andrew Baskin  
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.

PERSONS NOTIFIED BY MAIL:

Steve Phillips  
300 Baugh Street  
Berea, KY 40403

Sherry James  
201 Baugh Street #68  
Berea, KY 40403

PERSON NOTIFIED BY HAND-DELIVERY:

Amanda Haney  
Codes & Planning Administrator

Date: 2/16/2023

By: Melissa Isaacs  
Melissa Isaacs, Administrative Assistant  
Codes & Planning

Prepared by:

Jerry W. Gilbert  
Jerry W. Gilbert  
Corporation Counsel