

COMMONWEALTH OF KENTUCKY
CITY OF BERA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
424 RICHMOND ROAD NORTH)
Berea, Kentucky;)
Owners: Nathaniel Gipson and)
Barbara Gipson)

ORDER

* * * * *

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 424 Richmond Road North was in violation of an accumulation of rubbish or garbage in the rear yard, dog kennels full of trash, and reports the neighbors were having to pick up trash blowing onto their properties from the yard at 424 Richmond Road North. Complaint was made by the Code Enforcement Office of the City of Berea, Code Enforcement Officer Bryan Maniscalco, originally on August 29, 2023, by mailing a notice to the owners. 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 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 City of Berea Code Enforcement Office, offered aerial maps and Codes Enforcement Officer Bryan Maniscalco provided testimony and a written and photographic record of their inspections of the property at 424 Richmond Road North, summarized as follows:

On August 18, 2023, the Codes Department received a complaint of trash/rubbish in the rear yard, dog kennels full of trash and reports that the neighbors were having to pick up trash blowing onto their properties from the yard at 424 Richmond Road North. Codes Officer Bryan Maniscalco inspected the property on August 25, 2023, and found the yard was in need of maintenance, there was trash in the rear yard and inoperable vehicles parked on the grass in both the front and rear yards. On August 29, 2023, Officer Maniscalco issued a violation letter, giving the property owner until September 8, 2023, to correct the violations. Officer Maniscalco later received a call from the property owners asking for an extension of the September 8, 2023 deadline. The extension was granted and the property owners given until November 28, 2023 for the vehicles and rubbish to be removed. The owners had, at this time, removed the tall/noxious weeds.

On November 29, 2023, Officer Maniscalco re-inspected and discovered no additional work or progress had been made. He mailed a second violation letter to the owners giving them until December 18, 2023, to correct the violations, citing the following:

IPMC 308.1: Accumulation of Rubbish and Garbage;

IPMC 302.8: Motor Vehicles; and

Code of Ordinances 50.001(2): Nuisances.

No further attempt was made by the property owners to correct the violations and no further contact by them was made to the Codes Department. On January 2, 2024, Officer Maniscalco issued a Uniform Code Citation, assessing a fine in the amount of \$100/day, which had accumulated to \$2,200.00 as of the date of this hearing. Officer Maniscalco stated the Codes Department was seeking permission from the Board to hire a contractor for removal of the remaining rubbish and vehicles from the property, and to allow the city to place a lien on the property for the cost of abatement and the fine, if not paid.

It was determined that neither Barbara Gipson nor Nathaniel Gipson, nor any representative for them, were present at the meeting.

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

1. The property at 424 Richmond Road North 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 vehicles parked in the front and rear yards.
2. The owners of 424 Richmond Road North are assessed a fine in the amount of \$2,200.00 as of January 23, 2024.
3. The owners were given notice of the hearing but did not appear.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board ORDERS the trash and rubbish be cleared from the property by either City employees or contractors hired by the City, that the vehicles be removed, 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: 2/16/2024

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.

PERSONS NOTIFIED BY MAIL:

Nathaniel & Barbara Gipson
424 Richmond Road North
Berea, KY 40403


PERSON NOTIFIED BY HAND-DELIVERY:

Amanda Haney
Codes & Planning Administrator

Date: 2/16/2023

By: 
Melissa Isaacs, Administrative Assistant
Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel