

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:

692 & 698 West Jefferson Street
Berea, Kentucky;
Owner: Kirt Lafond

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ORDER

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This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 692 and 698 West Jefferson Street was in violation of the following: (1) unauthorized occupancy of storage building, garage or any other accessory or temporary structure as a residence; (2) accumulation of rubbish and garbage; and (3) minimum housing standards, which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector Amanda Haney, originally on September 30, 2024. 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 & Garbage; LMDO 408 B(1)(4): Accessory Structures; and (3) BCO 70.200 Minimum Housing Standards & Conditions, Property Maintenance, Nuisance.

A hearing was held on this matter before the Code Enforcement Board on December 9, 2024, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, Ken Vasey, James Anderson, Rebecca Isaacs and Tim 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, and Officer Josiah McFarland of the Berea Police Department offered testimony. Haney offered testimony and a written record of her inspections of the property at 692 and 698 West Jefferson Street. Haney testified the Codes Office had received multiple complaints of transients residing on the property in the garage and in tent-type structures; and the property was littered with rubbish. Notice was mailed to Kirt Lafond, the property owner on September 30, 2024, citing the violations and given until October 25, 2024, to remedy same. Haney noted progress had been made as of October 25, 2024, and an extension was granted. However, by November 6, 2024, the Code Enforcement Office again began receiving complaints of transients living in the garage and the tent-type structure had not been removed. In the week prior to the hearing, Haney noted the temporary structure had been removed and most of the backyard had been cleaned.

Officer Josiah McFarland of the Berea Police Department testified that he and other officers of the department had been called to the home on several occasions. In March, 2024, Officer McFarland responded to a medical emergency where the owner, Kirt Lafond, was located inside the home, unresponsive. There were massive amounts of animal feces and urine throughout the home, specifically in the bedroom floor and in the bed where Mr. Lafond was found. On September 9, 2024, after an arson incident at Walmart, Officer McFarland located two people in the residence who were responsible along with stolen property. At that time, seven (7) individuals were run out of the garage on the property, two with active warrants. Officer McFarland was familiar with several of

the people there as he often patrolled the area behind Westside Baptist Church where many transients have been found.

On September 23, 2024, Officer McFarland was pursuing an active warrant on a transient and noticed the makeshift tent structure in the backyard of subject property. He made contact with an unidentified male who stated he was living in the structure. On another date, he was responding to a call at the property and upon arrival, the property owner Lafond charged Officer McFarland's cruiser, screaming expletives and created a "stand-off" situation. Since September, Officer McFarland had received numerous calls/requests to charge others in/around the home with trespassing, as Lafond now wished the transients he had been housing be removed.

Officer McFarland had heard several reports of Lafond allowing transients to stay in the home and around the property in exchange for favors or if they paid rent in some form. Officers had also responded to calls from residents on Mary Street and have requested assistance from the Berea Fire Department because the transients had pushed rubbish behind a shed and set it on fire. The transients are most always confrontational.

The owner of the property, Kirt Lafond, was notified of the hearing but did not appear.

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

1. The property at 692 and 698 West Jefferson Street is currently in violation of the City's Ordinance as follows:
 - a) IPMC 308.1 Accumulation of Rubbish & Garbage;
 - b) LMDO 408 B(1)(4) Accessory Structures; and

c) BCO 70.200 Minimum Housing Standards & Conditions, Property Maintenance, Nuisance

2. The owner of 692 and 698 West Jefferson Street is assessed a fine in the amount of \$3,300.00 as of December 9, 2024, and accruing at the rate of \$100.00 per day until the property is brought into compliance.

3. The owner was given notice of the hearing but did not appear.

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

1. No persons are permitted to reside or occupy any storage buildings, the garage, or any other accessory or temporary structure;

2. No more than five (5) unrelated persons can reside in the home;

3. The owner must clean the inside of the home to a safe, clean and sanitary condition and be inspected and approved by the Codes Department for safe habitation. Codes must be accompanied by law enforcement officer at time of inspection;

4. The fine of \$3,300.00 will be imposed and continue to accrue at the rate of \$100.00 per day from December 9, 2024, until the property is approved for habitation by the Codes Department; and

5. A lien shall be placed on the property for the fine imposed herein plus interest if not paid and for costs incurred in the clearing and removal of same.

Date: 1-9-2025

BEREA CODE ENFORCEMENT BOARD

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:

Kirt Lafond
698 W. Jefferson Street
Berea, KY40403

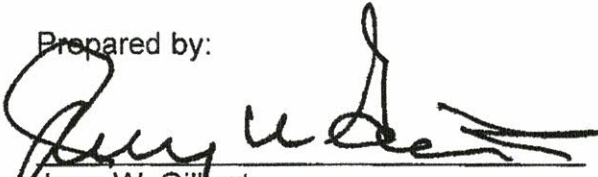
PERSON NOTIFIED BY HAND-DELIVERY:

Amanda Haney
Codes & Planning Administrator

Date: 1-9-2025

By: 
Melissa Isaacs, Administrative Assistant
Codes & Planning

Prepared by:


Jerry W. Gilbert
Corporation Counsel