

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 04/26/2017

Hearing Officer: JOHN TACKETT

Case number: 31940265W4

Address: 265 W NEW CIRCLE RD

Owner: MARIA MCCONNER

Present /Not Present

Person Representing Property Owner: Maria McConner - Normy Tyne

- Lawyer - Agent

Legal Standing: _____

Issuance Date of Civil Penalty: 03/15/2017

Case Officer: TAYLOR BOURNE

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ 100.00 Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

 Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

 A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: Trash and debris

- along bank on property close to the City Creek - Under growth needs to be removed - Not Trees.

Trees may remain to prevent erosion

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted 60 days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ 100. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: Work Exhibit

will come by + check to see if under brush is
cleared and will work with property owner to

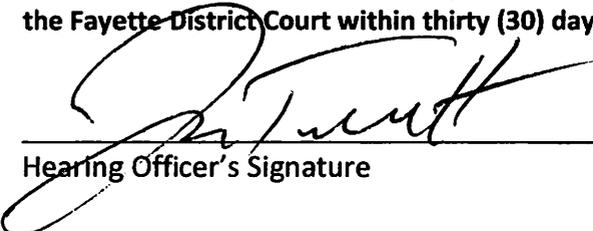
Civil Penalty assessed in part with remaining balance held in abeyance

ensure compliance.

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**


Hearing Officer's Signature

4-26-17.
Date

Supplementary Page Completed

Lexington Fayette Urban County Government

COPY

MAYOR JIM GRAY



LEXINGTON

DIRECTOR KENNETH ARMSTRONG
CODE ENFORCEMENT

DIVISION OF CODE ENFORCEMENT

**ASSESSMENT OF CIVIL PENALTY AND NOTICE OF CONTINUED VIOLA
(Nuisance Violation)**

Invoice Date: 03/15/2017

Case#: 31940265W4

Taylor:
On appeal.
No lien at
this time
Thanks!
KJH
3/30/17

MARIA MCCONNER
905 RIDGEBROOK DR
LEXINGTON, KY 40509

Referenced Property: 265 W NEW CIRCLE RD on 03/01/2017

On 03/01/2017, the above 265 W NEW CIRCLE RD was placed under a Notice of Violation regarding the required abatement of a nuisance violation as outlined in Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances.

On 03-01-2017 at 11:26PM, I conducted a re-inspection of the property and found that the cited violation had not been abated and/or corrected. The purpose of this letter is to formally notify you that due to the continued non-compliance and the presence of a nuisance violation on the property during the above indicated re-inspection; you have been issued a civil penalty. As established in Chapter 12-5 of Code of Ordinances, you have been assessed a civil penalty in the amount of \$100.00. (If you have been assessed/cited for more than one nuisance related violation within the last 12 months, your assessment may be cumulative.)

The property owner may file a written appeal of this action, but must do so or have done so within 7 days of the listed "Date of Issuance", located on the original notice. Appeals, which should indicate why the civil penalty should be dismissed, may be filed via U.S. Mail or by delivering the request to the: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507 or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal a civil penalty within the indicated time shall result in the determination that the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the civil penalty was proper.

If the \$100.00 is not paid within 14 days of 03/15/2017 and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. All payments related to civil penalties or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 2nd Floor, 200 East Main Street, Lexington, Kentucky 40507. Please include a copy of this invoice or clearly identify the referenced property and civil penalty with your payment to ensure proper credit occurs.

Please note, as outlined in Chapter 12-5 of the Code of Ordinances, if the required abatement is not completed and the property is not brought into compliance before the next re-inspection date, additional civil penalties ranging between \$100.00 and \$1,000.00 may be assessed. Continued non-compliance may also result in the abatement of the nuisance violation by governmental action. If such governmental action is taken, then all costs and related administrative fees will then be billed to the property owner.

Please contact me if you have any questions or concerns regarding this notice/citation. If you do not receive a response from me within 36 hours of calling/emailing, please call our office and ask to speak to my supervisor.

TAYLOR BOURNE
NUISANCE CONTROL OFFICER

(859) 576-3847
Phone Number

wbouorne@lexingtonky.gov
Email Address