Lexington Fayette Urban County Government

Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 04/27/2017 Hearing Officer: MICHAEL HURTER

Case number: 09563508-3512W8 Address: 3508-3512 HONEY JAY CT

Owner: GEORGE & GEORGE JR & BARABARA S CARTER TTEE Present / Not Present

Person Representing Property Owner: _____

_____ Legal Standing: _____

Issuance Date of Civil Penalty: 03/09/2017 Case Officer: COO-EE SHELBY

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: _____

litter, trash & debris, tires

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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 _____ days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of $ _____. 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: _____

_____

_____

Civil Penalty assessed in part with remaining balance held in abeyance

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.**

Michael K. Hurter 4/27/2017 _____Supplementary Page Completed

Hearing Officer's Signature Date

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Supplementary Notes (If Needed)

Hearing Officer's Signature Date

MAYOR JIM GRAY

LEXINGTON

DIRECTOR KENNETH ARMSTRONG
CODE ENFORCEMENT

COPY

DIVISION OF CODE ENFORCEMENT

ASSESSMENT OF CIVIL PENALTY AND NOTICE OF CONTINUED VIOLATION

(Nuisance Violation)

Invoice Date: 03/09/2017

Case#: 09563508-3512W8

GEORGE & GEORGE JR & BARBARA S CARTER TTEE
GEORGE RANKIN CARTER JR 2009 REV TR
640 FOREST HILL DR
LEXINGTON, KY 40509

Referenced Property: 3508-3512 HONEY JAY CT on 02/10/2017

On 02/10/2017, the above 3508-3512 HONEY JAY CT 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 02/27/2017 at 2:17 PM, 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 03/09/2017 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.

COO-EE SHELBY	(859) 576-8200	cparks@lexingtonky.gov
NUISANCE CONTROL OFFICER	**Phone Number**	**Email Address**