

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

Date of Hearing: 02/26/2019

Hearing Officer: MATT BOYD

Case number: 277528

Address: 267 OSAGE CT.

Owner: JACKSON EVERAGE

Present / Not Present

Person Representing Property Owner: _____

Legal Standing: _____

Issuance Date of Civil Penalty: 01/11/2019

Case Officer: DEBRA PHELPS

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: Fire Debris

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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 \$ 180.00. 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 until _____ 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 confirmation 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 by _____, 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

2/26/19
Date

N/A Supplementary Page
Completed

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Supplementary Notes (If Needed)

Hearing Officer's Signature

Date



DIVISION OF CODE ENFORCEMENT

Issuance of Citation

**EVERAGE JACKSON
290 MONTGOMERY CREEK RD
EMMALENA, KY 41740**

**Date & Time of Issuance: January 11, 2019, at 11:10
AM
Compliance Due Date: January 25, 2019
Case Number: 277528**

RE: 267 OSAGE CT, Lexington, KY 40509

Issuance of Citation: Due to continued non-compliance, a citation in the amount of \$100 has been assessed pursuant to chapter 12 of the code of Ordinances. Please review the second page of this document to obtain details regarding the payment or appeal of this citation.

An inspection was made of the above-referenced property on January 11, 2019 at 11:10 AM, and, pursuant to Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances the below indicated nuisance violation was located that must to be corrected/abated before the listed "Compliance Due Date".

	Violation	Code	References
1	Rubbish, Garbage, Debris, Ashes, Trash or Waste	Nuisance 001 Trash/Debris	

Inspection Comments:

Remove ALL trash and debris from front yard, but not limited to cabinets, drywall and insulation from fire

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.

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov





How to Pay a Citation

All payments related to citations, 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, 218 East Main Street, Lexington, Kentucky 40507. Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs. The Division of Code Enforcement cannot accept payment for any citations, liens or abatement costs.

Continued non-compliance after the above indicated "Compliance Due Date" may result in additional citations being issued until compliance is gained. If the property owner does not bring the property into compliance the violations may be abated/corrected by governmental operations and all abatement costs and related administrative fees will be invoiced to the property owner.

How to Appeal a Citation

A notice of Nuisance Violation is not appealable.

If a citation has been issued, the property owner may file a written appeal of this citation. The property owner must do so within 7 days of the listed "Issuance Date". Appeals may be filed via U.S. Mail or by delivering the request to: 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 will be accepted. Failure to appeal this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper. If a citation, which is not on appeal, and/or invoice abatement costs are not paid within 14 days following its issuance, a Notice of Lien Claimed may be recorded in the Office of the Fayette County Clerk against the property.



Hearing Date: Feb. 26, 2019

Address: 267 Osage Ct

Owner: Everage Jackson

Dec. 14, 2018 I saw recent fire debris in the front yard and wanted to give them a little time for fire and insurance investigations.

Dec. 21, 2018 I self-initiated a nuisance inspection for fire trash and debris in the yard since it had not been cleaned up. I issued a "Notice of Nuisance Violation".

Jan. 11, 2019 Re-inspect, trash and debris had not been removed.

Posted Citation	Re-inspections	1
	Violations	1
	Citation	\$100.00

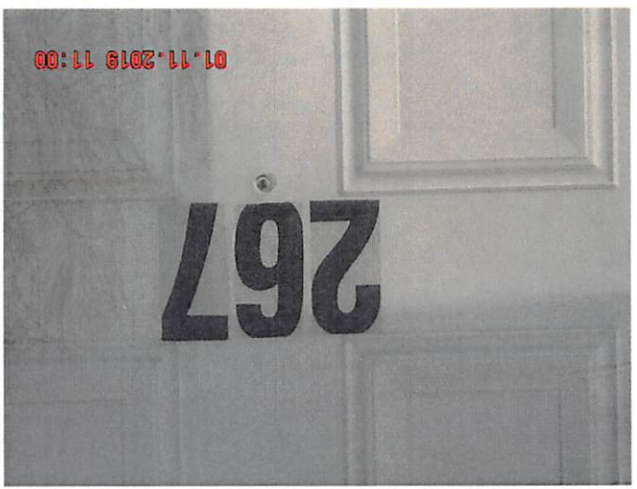
Jan. 14, 2019 Appeal was received.

Feb. 02, 2019 I was in the area and saw that all of the trash and debris had been removed.

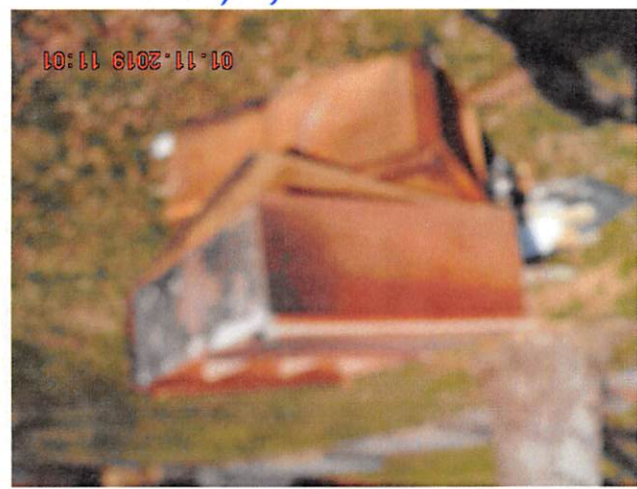
Feb. 26, 2019 Conclusion: This case can be closed since all violations have been removed.



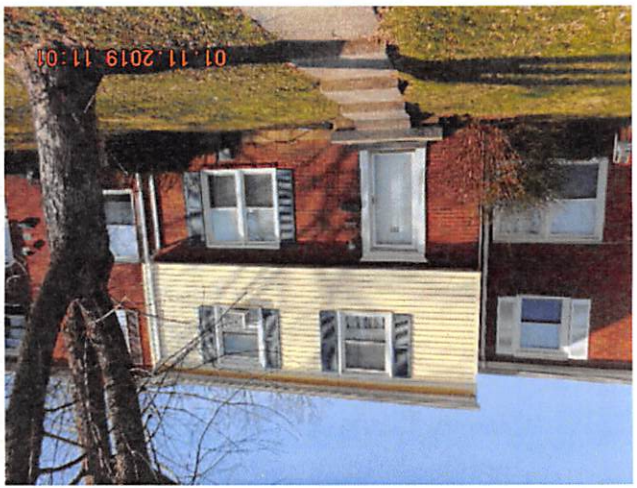
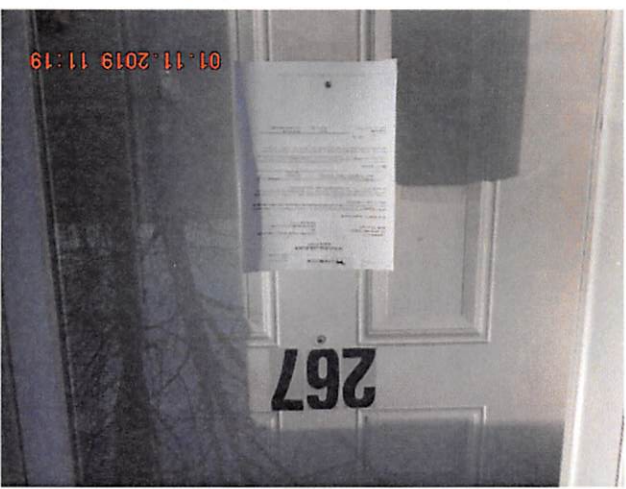
267 OSAGE CT



01/11/19



DEBRA PHELPS



LEMINGTON
DEPARTMENT OF PUBLIC WORKS
200 W. MAIN ST.
LEMINGTON, VA 22645
Phone: 540-733-1234
Fax: 540-733-1234
www.lamingtonva.gov

267 OSAGE CT, LEXINGTON, VA 22645

Number of Violations: 1
Number of Citations: 1
Number of Fines: 1
Number of Points: 1

Violation Number	Description	Code	Amount
1	Exterior Lighting	11-10-1	\$100

Exterior Lighting: The exterior lighting fixture is not shielded and is directed towards the street.

Notice: All property owners are notified by mail and by email. It is the responsibility of the property owner to correct the violation within the time frame specified. Failure to do so may result in a citation and a fine. If you have any questions, please contact the Code Enforcement Office at 540-733-1234.

Date of Issuance: 01/11/2019
Code Enforcement Officer: [Signature]
Phone: 540-733-1234
Email Address: [Redacted]



LEMINGTON
CODE ENFORCEMENT
DIRECTOR
ALEX CAPO CASSANO

Issuance of Citation

Date & Time of Issuance: January 11, 2019, at 11:10 AM

Compliance Due Date: January 25, 2019

Case Number: 277528

of \$100 has been assessed

01.11.2019 11:17



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