

NICHOLASVILLE POLICE DEPARTMENT  
CODE ENFORCEMENT DIVISION  
CASE NO. 2021-0263

IN RE: 103 COTTAGE ST, Nicholasville, Kentucky 40356 (the "Property")

**NOTICE OF FINAL ORDER**

The Code Enforcement Division of the Nicholasville Police Department having issued a Citation identified as Citation # 2021-0263 (the "Citation"), pursuant to KRS 65.8825 and Section 11-4(h) of the Code of Ordinances, City of Nicholasville, Kentucky (the "Code") to ROBERT MCKINNEY, the record owner(s) of the Property (the "Owner(s)"), imposing a civil fine in the amount of \$1200.00 for violation of those certain provisions of the Code as more particularly described in the Citation, a copy of which is attached hereto and incorporated by reference as if fully set forth herein; the Owner(s) having been advised of his/her/their obligation to pay said fine or request, in writing, a hearing with the Code Enforcement Board to contest the Citation within seven (7) days of the date of issuance of the Citation; the Owner(s) having failed to pay said fine or make said request for a hearing within said seven (7) day period;

NOTICE IS HEREBY GIVEN as follows:

1. Pursuant to KRS 65.8825 and Section 11-4(h)(6)(a) of the Code, the Citation shall be deemed a final Order determining that the violation(s) set forth therein was/were committed and imposing the civil fine set forth therein and the Owner(s) shall be deemed to have waived his/her/their right to appeal the final Order to the District Court.

2. Pursuant to KRS 65.8835(1) and Section 11-4(m)(1) of the Code, the City of Nicholasville shall possess a lien on the Property for the civil fine set forth in the Citation and for all charges and fees incurred by the City of Nicholasville in connection with the enforcement of the Code, including abatement costs, which lien shall bear interest at the rate of 12% per annum until fully satisfied and may be enforced by judicial proceedings, including an action to foreclose. Pursuant to KRS 65.8835(1)(c), the City's lien shall take precedence over all other liens, except state, county, school board, and city taxes.

3. Pursuant to KRS 65.835 and Section 11-4(m)(4) of the Code, the City of Nicholasville may bring a civil action against the Owner(s) and shall have the same remedies as provided for the recovery of a debt.

4. Pursuant to KRS 65.8836(3) and Section 11-4(o) of the Code, a lien holder of record may, within forty-five (45) days from the date of this Notice, correct the violation(s) if not already abated, or elect to pay all civil fines assessed for the violation(s) and all charges and fees incurred by the City of Nicholasville in connection with the enforcement of the ordinance, including abatement costs. If the City's lien is fully satisfied prior to the expiration of the forty-five (45) day period, the City of Nicholasville shall release its lien within fifteen (15) days of satisfaction.

5. The last known mailing address of the Owner(s) is 103 COTTAGE ST NICHOLASVILLE, KY 40356.

Dated this the 21<sup>st</sup> day of September, 2021.

  
\_\_\_\_\_  
CHAIR, CODE ENFORCEMENT BOARD

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing Notice was, on this the 21<sup>st</sup> day of September, 2021, served by mailing same, postage pre-paid, to the following:  
[Include the Owner(s) and any lien holders of record]

  
\_\_\_\_\_  
CODE ENFORCEMENT OFFICER



Todd Justice  
Chief of Police

# NICHOLASVILLE POLICE DEPARTMENT

Code Enforcement Division

517 North Main Street

Nicholasville, KY 40356

(859) 885-1121

[codeenforcement@nicholasville.org](mailto:codeenforcement@nicholasville.org)



State Accredited Law  
Enforcement Agency

CASE NUMBER: 2021-0263

## NOTICE OF VIOLATION

Re: 103 COTTAGE ST

An inspection was made at the above referenced property. The following violations were found, which need to be corrected by their respective compliance dates.

### Violations:

11-3. WASTE DECLARED A NUISANCE. - Comply By: 6/8/2021

18-3. COLLECTION. - Comply By: 6/8/2021

Comments:

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Code Enforcement Officer

**The burden rests upon the owner(s) of the above referenced property to correct the violation(s) and request a re-inspection by the code enforcement officer to determine whether the property is in full compliance on or before the due date specified herein.**

### Cited Violations:

Ordinance: 11-3. WASTE DECLARED A NUISANCE.

Ordinance Source: CITY OF NICHOLASVILLE CODE OF ORDINANCES\CHAPTER 11 - NUISANCE ABATEMENT  
11-3. WASTE DECLARED A NUISANCE.

Violation Date: 6/3/2021

Which states: (a) Definition of "nuisance". For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes but is not limited to the keeping of the following:

(1) Ashes, rubbish, garbage, lumber, bricks, cinder blocks, insulation materials, building debris, refuse or waste of any kind, whether liquid or solid. This will include construction sites.

(2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(b) Duty of maintenance of private property. No person owning any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located.

**Corrective Action: Remove/Dispose of trash, furniture, scrap wood, buckets, totes, household items, electrical equipment, appliances, etc. throughout property. Obtain garbage service through CKY 859-225-2521.**



Compliance Date: 6/8/2021

Violation Status: Open

Violation Notes:

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Ordinance: 18-3. COLLECTION.

Ordinance Source: CITY OF NICHOLASVILLE CODE OF ORDINANCES\CHAPTER 18 - SOLID WASTE\18-3. COLLECTION.

Violation Date: 6/3/2021

Which states: (a) The city shall provide for the collection of solid waste in the city as described in this chapter. The owner of every residential property in the city limits shall be responsible for garbage service at that property.

(b) Tree limbs and yard wastes, as described in § 18-2(e) and (f) respectively, shall be placed at the curbside for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the roadside for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at the roadside for collection shall not be so placed until the regularly scheduled collection day.

(C) The following collection frequencies shall apply to collections of solid waste within the city: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at intervals necessary for the preservation of the health and safety of the public.

(D) Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the appropriate agency to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

(E) All collection vehicles shall be maintained and operated so as to prevent spillage of solid waste therefrom.

**Corrective Action:**

Compliance Date: 6/8/2021

Violation Status: Open

Violation Notes:

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Todd Justice  
Chief of Police

## NICHOLASVILLE POLICE DEPARTMENT

Code Enforcement Division

517 North Main Street

Nicholasville, KY 40356

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State Accredited Law  
Enforcement Agency

# CODE ENFORCEMENT DIVISION CITATION

RE: Property: 103 COTTAGE ST, Nicholasville, KY.

A copy of the Notice of Violation is attached hereto and incorporated by reference herein.

On 6/2/2021 at 7:50 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 6/11/2021 at 11:19 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 6/25/2021 at 10:03 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 7/16/2021 at 11:08 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 7/23/2021 at 9:20 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/16/2021 at 10:18 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/18/2021 at 1:08 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/19/2021 at 1:07 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/20/2021 at 1:47 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/23/2021 at 9:26 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/24/2021 at 9:38 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/25/2021 at 9:10 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/26/2021 at 10:05 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.



On 8/30/2021 at 11:20 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

On 8/31/2021 at 12:03 (am/pm), I conducted a reinspection of the property and found that not all the violations listed on the Notice of Violation have been corrected.

The purpose of this document is to formally notify you that due to the continued non-compliance with respect to violations noted on the Notice of Violation attached hereto(the "**Cited Violations**") as of the above indicated Date of Issuance, you are being issued a citation. The violation with which you have been charged is a civil offense. Our records indicate that this is your 9 offense with respect to the Cited Violations.

**Therefore, this Citation has been issued pursuant to KRS 65.8801, et. seq. and Chapter 11 of the Code of Ordinances of the City of Nicholasville in the amount of \$150.00. This amount is in addition to any fines assessed pursuant to any other citations.**

You shall have seven (7) days from the Date of Issuance of this Citation to pay the above indicated civil fine or request, in writing, a hearing with the Code Enforcement Board to contest this Citation. **All payments should be made to the City of Nicholasville, and delivered or mailed to Code Enforcement Division at 517 North Main Street, Nicholasville, KY 40356.** Please include a copy of this Citation and/or documents clearly identifying the referenced property with the payment to ensure proper credit occurs. All requests for a hearing, which shall indicate why the citation should be dismissed, should be mailed via U.S. Mail or by delivering the request to: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 517 North Main Street, Nicholasville, KY 40356, or by faxing the appeal request to (859-881-0750) - **no emails. If you request a hearing, the maximum civil fine that may be imposed by the Code Enforcement Board with respect to this citation only is \$500.00.** If you fail to be the civil fine set forth herein or contest the citation within the time allowed, you shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest this Citation; the determination that the Cited Violations were committed shall be final; this Citation as issued shall be deemed a final order determining that the Cited Violations were committed and imposing the civil fine as set forth herein; and you shall be deemed to have waived the right to appeal the final order to District Court.

Please note that Payment of the civil fine set forth herein shall not relieve the property owner of his/her obligation to remedy the Cited Violations. If the Cited Violations are not remedied and the property is not brought into compliance by the above indicated Compliance Due Date, additional charges, including abatement costs, may be assessed. Upon the issuance of a non-appealable final order or by a final judgment of the District Court, a Notice of Lien Claimed may be filed against the property for all civil fines for the Cited Violations and for all charges and fees incurred by the City in connection with the enforcement of Chapter 11 of the Code of Ordinances of the City of Nicholasville, including abatement costs. Please take immediate action to correct these violation(s) to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this citation. If you do not hear back from me in 72 hours, please contact my supervisor at 859-885-1121.

Code Enforcement Officer: \_\_\_\_\_ Phone Number: (859) \_\_\_\_\_  
*An Equal Opportunity Employer*