

NICHOLASVILLE POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
CASE NO. 2023-0489

IN RE: 709 E CHESTNUT 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 # 2023-0489 (the "Citation"), pursuant to KRS 65.8825 and Section 11-4(h) of the Code of Ordinances, City of Nicholasville, Kentucky (the "Code") to THEODORE CLARK, the record owner(s) of the Property (the "Owner(s)"), imposing a civil fine in the amount of \$600.00 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 709 E CHESTNUT NICHOLASVILLE, KY 40356.

Dated this the 17th day of October, 2023.



CHAIR, CODE ENFORCEMENT BOARD

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Notice was, on this the 18th day of October, 2023, served by mailing same, postage pre-paid, to the following:

[Include the Owner(s) and any lien holders of record]



CODE ENFORCEMENT OFFICER



Michael Fleming
Chief of Police

NICHOLASVILLE POLICE DEPARTMENT

Code Enforcement Division
717 North Main Street
Nicholasville, KY 40356
(859) 885-9467

codeenforcement@nicholasville.org



State Accredited Law
Enforcement Agency

CASE NUMBER: 2023-0489

NOTICE OF VIOLATION

Re: 709 E CHESTNUT 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:

11-2. WEEDS DECLARED A NUISANCE. - Comply By: 9/24/2023

Comments:

Mow/Weed eat tall grass/weeds throughout property.

Inspector: U/53 T. Epley

Date of Inspection: 9/18/2023

Time: 1:20

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: 11-2. WEEDS DECLARED A NUISANCE.

Ordinance Source: CITY OF NICHOLASVILLE CODE OF ORDINANCES\CHAPTER 11 - NUISANCE ABATEMENT
11-2. WEEDS DECLARED A NUISANCE.

Violation Date: 9/18/2023

Which states: (a) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, poison oak or other weeds of a like kind found growing in any lot or tract of land within the city are hereby declared to be a nuisance; and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(b) It shall be unlawful for the owner of any building or lot to permit any weeds, grass or plants, other than crops, trees, bushes, flowers or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere on such lot, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such lot is crossed by a sidewalk, ditch, pathway, private roadway, fence, or other natural or manmade boundary or divider, including those portions thereof between such boundaries or divider and the edge of the thoroughfare; any such weeds, grass or plants exceeding such height are hereby declared to be a nuisance.

(c) It shall be unlawful for the owner of any building or lot to permit any tree, bush, hedge, or other vegetation to grow in a manner which interferes with normal sidewalk traffic or to grow so as to pose a threat to safety on public right-of-way due to obstruction of view, obstruction of passage or any other manner.

(d) There is hereby exempted from the scope of the provisions of subsection (a) and (b) above property within the city zoned for agricultural uses, except that such exemption shall not apply when the property has been planned for development

and a subdivision plat has been filed of record in the zoning office reflecting the property as residential.

Corrective Action: Mow/Weed eat tall grass/weeds throughout property.

Compliance Date: 9/24/2023

Violation Status: Open

Violation Notes:



Michael Fleming
Chief of Police

NICHOLASVILLE POLICE DEPARTMENT

Code Enforcement Division

717 North Main Street

Nicholasville, KY 40356

(859) 885-9467

codeenforcement@nicholasville.org



State Accredited Law
Enforcement Agency

CODE ENFORCEMENT DIVISION CITATION

Date and Time of Issuance: 9/25/2023

ENTERED: U/53 T. Epley

Date and Time of Issuance: 9/26/2023

ENTERED: U/53 T. Epley

Date and Time of Issuance: 9/27/2023

ENTERED: U/53 T. Epley

Date and Time of Issuance: 9/28/2023

ENTERED: U/53 T. Epley

Date and Time of Issuance: 9/29/2023

ENTERED: U/53 T. Epley

RE: Property: 709 E CHESTNUT ST, Nicholasville, KY.

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

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 5 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 717 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, 717 North Main Street, Nicholasville, KY 40356, or by faxing the appeal request to (859-885-1766) - **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 859-885-9467.

Code Enforcement Officer: _____ Phone Number: (859) _____

An Equal Opportunity Employer