

NICHOLASVILLE POLICE DEPARTMENT  
CODE ENFORCEMENT DIVISION  
CASE NO. 2023-0466

IN RE: 413 GARDEN PARK DR, 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 # 2023-0466 (the "Citation"), pursuant to KRS 65.8825 and Section 11-4(h) of the Code of Ordinances, City of Nicholasville, Kentucky (the "Code") to BRYAN LUNSFORD, the record owner(s) of the Property (the "Owner(s)"), imposing a civil fine in the amount of \$900.00 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 413 GARDEN PARK NICHOLASVILLE, KY 40356.

Dated this the 16<sup>th</sup> day of January 2024.

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

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing Notice was, on this the 12<sup>th</sup> day of January, 2024, 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](mailto:codeenforcement@nicholasville.org)



State Accredited Law  
Enforcement Agency

CASE NUMBER: 2023-0466

## NOTICE OF VIOLATION

Re: 413 GARDEN PARK DR

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: 10/10/2023
- 11-2. WEEDS DECLARED A NUISANCE. - Comply By: 10/10/2023

### Comments:

\*\*\*FINAL NOTICE\*\*\*

This case has been open since 08/31/2023. It was reassigned to me on 10/05/2023. Numerous extensions have been given in attempts to work with you to correct the violations. If the violations are not corrected the citation process will be initiated on 12/01/2023.

1st citation: \$ 50.00  
2nd citation: \$ 100.00  
3rd and consecutive citation(s): \$ 150.00

Inspector: U/59 A. King  
Follow-up inspection

Date of Inspection: 11/21/2023

Time: 1:30

Inspector: U/59 A. King

Date of Inspection: 11/27/2023

Time: 10:00

---

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:** 10/5/2023

**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.

(3) Cisterns, pits and cellars. Keeping of cisterns, pits and cellars: Cisterns or pits shall be covered with an approved and secured lid or top. The responsible person (owner) shall maintain the structural integrity of the cistern or pit, or the cistern or pit shall be filled in with an approved material. All cellars shall be kept dry and well aired, free from standing water, putrefying and noxious vapors and smells, and at all times, well sprinkled with lime or some other disinfectant when necessary. Any cellar not maintained as provided above is hereby declared a nuisance.

a. Responsible person (owner) must maintain septic tanks, holding tanks, and swimming pools free of all noxious vapors smells and/or unfiltered water. All septic tanks and holding tanks must be maintained and emptied on a timely basis as to not overflow and must be kept in working order at all times. All cases shall be investigated and determined if the Health Department shall be contacted.

b. All swimming pools within the city must remain within working condition (i.e., filtered) during the months from May 1 to October 1 of each year. Draining of pools shall not interfere with persons living within the neighborhood or cause alarm to neighbors. During the time from October 2 through April 31, all pools should be covered or dismantled.

(4) Excavation or fill. The owner of property is responsible to ensure that any excavation or fill shall be free from standing water, putrefying and noxious vapors and smells. Any soil or rock resulting from such excavation or fill may only be stockpiled on the property during the period of construction as authorized by a valid building permit or grading permit.

(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.

(c) Exterior storage of nonoperating or nonlicensed vehicles prohibited. No owner of any premises, shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle or any motor vehicle which is not properly licensed pursuant to KRS 186.020 to remain on such property longer than seventy-two (72) hours; and no person shall leave any such vehicle on any property within the city for longer time than seventy-two (72) hours; except that this section shall not apply to historic motor vehicles registered and licensed in conformance with KRS 186.043, property where such use is allowed under zoning ordinances or other applicable laws, or to any vehicle in an enclosed building. This section shall further not apply with regard to any vehicle on the premises of a business in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city government or any other public agency or entity.

**Corrective Action: Remove/dispose of trash, junk, debris, and any other items not intended for outdoor storage.**

**CKY Hauling (859-225-2521) will perform a bulk pickup if requested.**

Compliance Date: 10/10/2023

Violation Status: Open

Violation Notes:

---

**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:** 10/5/2023

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: Cut/trim all excessive growth including the overgrowth at the rear of the property and the easement.**

Compliance Date: 10/10/2023

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](mailto:codeenforcement@nicholasville.org)



State Accredited Law  
Enforcement Agency

## CODE ENFORCEMENT DIVISION CITATION

Date and Time of Issuance: 12/19/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/20/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/21/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/22/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/27/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/28/2023

ENTERED: U/59 A. King

Date and Time of Issuance: 12/29/2023

ENTERED: U/59 A. King

RE: Property: 413 GARDEN PARK DR, Nicholasville, KY.

On 12/19/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

On 12/20/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

On 12/21/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

On 12/22/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

On 12/27/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

On 12/28/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville. On 12/29/2023, the above referenced property was placed under a Notice of Violation regarding required maintenance/corrections pursuant to Chapter 11 of the Code of Ordinances of the City of Nicholasville.

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 7 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*