CODE ENFORCEMENT BOARD

CITY OF HENDERSON, KENTUCKY

Case # 2019-00000710

CITY OF HENDERSON, KENTUCKY
Petitioner

v
STEVEN A. PEAK
Respondent

FINDINGS OF FACT, CONCLUSIONS

OF LAW AND ORDER

This cause was presented at a public hearing before the Board on November 25, 2019, after due notice to the Respondent, and the Board having heard testimony under oath, received evidence, considered stipulations, and heard arguments, now issues its Findings of Fact, Conclusions of Law and Order, as follows:

FINDINGS OF FACT

The Respondent, STEVEN A. PEAK, whose mailing address is P.O. BOX 1026, HENDERSON, KY 42419, is the owner or person in charge of property located at 313 RICHARDSON AVE, HENDERSON, KY.

The Respondent received a citation issued by RAY NIX, CODE ENFORCEMENT OFFICER, October 18, 2019 which charged the Respondent with a violation of Section 302.7, *Accessory Structures*, of the International Property Maintenance Code as adopted by the Code of Ordinances of the City of Henderson, Kentucky, described as follows:

302.7 ACCESSORY STUCTURES: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

FINDINGS OF FACT FROM HEARING

1. The Board finds from the testimony of Ray Nix, Code Enforcement Officer that two accessory buildings located at 313 Richardson Ave were not repaired and in compliance with Section 302.7 of the International Property Maintenance Code.
2. The Board finds that the Respondent/property owner was given written notice by the Code Department in June 2019 and in August 2019 of the need for repair of the accessory buildings. More than 60 days elapsed from the time the written notices were given before Citation No. 2019-00000710 was issued.
3. The Board finds as a matter of fact that the Respondent/property owner Steven A. Peak has made considerable efforts to repair the two buildings since the citation was issued. Respondent provided at the hearing oral testimony and pictures to show the progress Respondent has made in repairing the buildings.
4. The Board finds that more repair work is needed, and the property owner indicated that giving him 60 additional days to complete the repairs to the accessory buildings would be adequate.

CONCLUSIONS OF LAW

The Board concludes, based on the foregoing Findings of Fact, That Respondent, STEVEN A. PEAK, has committed a violation of Section 302.7 of the International Property Maintenance Code as adopted by the Code of Ordinances of the City of Henderson, Kentucky, as charged in the citation, and the two accessory buildings located on the property at 313 RICHARDSON AVE are not maintained structurally sound and in good repair.

ORDER

Respondent, STEVEN A. PEAK, is ordered to correct the violation and to complete the repairs to the accessory buildings located on the property within 60 days from the date of this Order. The Civil Fine of $200.00 set forth in the Citation is suspended by this Board and shall not be assessed or collected if the property owner Steven A. Peak completes the repairs to the accessory buildings within the 60-day period set forth herein. If the violation is not corrected and the accessory buildings repaired within the 60-day period, then the $200 fine set out in the citation shall be assessed and collectible without further action by the Board. It is the sole responsibility of the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property has been brought into compliance pursuant to this Order.

DONE AND ORDERED THIS 25th day of November 2019.

CODE ENFORCEMENT BOARD OF HENDERSON, KENTUCKY

By: _Alan C. Taylor_____
　　　Chairman, Code Enforcement Board

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order has been furnished to Respondent, STEVEN A. PEAK, on this the 2nd day of December 2019, by mailing the same to Respondent at his address of PO Box 1026, Henderson KY 42419.

_____
Secretary, Code Enforcement Board