

CODE ENFORCEMENT BOARD
CITY OF HENDERSON, KENTUCKY

Citation # 2020-00001085

CITY OF HENDERSON, KENTUCKY

Petitioner

v

Chris Smithhart on behalf of Deborah K Lynn Trustee etal

Respondent

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

This cause was presented at a called public hearing before the Board on Monday, May 10, 2021, 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, Chris Smithhart on behalf of Deborah K Lynn Trustee etal, whose mailing address is 636 US Hwy 41 A, Henderson, KY 42420 (Smithhart), 2217 Wentworth Avenue, Henderson, KY 42420 (Lynn) is the owner or person in charge of property located at 1614 S. Green Street, Henderson, KY.

The Respondent received a citation issued by Dobby Padilla, Code Enforcement Officer, dated November 30, 2020 which charged the Respondent with a violation of Sections 15-1 and 15-23 of the Code of Ordinances of the City of Henderson, Kentucky, described as follows:

15-1 CLUTTER: No resident shall allow materials, described as "clutter," to be stored on their property. The City of Henderson defines "clutter" as any of the following: an accumulation of new or salvaged construction materials, salvaged metal, aluminum, plastic products, wooden or plastic pallets, tools (working or nonworking), auto parts, furniture (in disrepair), appliances, televisions, broken toys, inoperable lawn mowers, motorcycles or all-terrain vehicles, shopping carts, bicycles in disrepair or scattered around on the subject property, or any other like materials accumulated in a disorderly, unsightly manner.

15-1 NUISANCE VEHICLES: No person shall keep, store, place or allow to remain in open view, motor vehicles in inoperative condition, unlicensed motor vehicles, motor vehicles unfit for further use, unsightly automobile or motor vehicle parts, abandoned motor vehicles, and related refuse or rubbish from such vehicles on any lot or parcel of ground within the corporate limits of the city.

The Board finds, based on all of the testimony and evidence presented at the hearing, that the condition described in the citation did, in fact, exist at the time the citation was issued, that the condition did constitute a violation of Sections 15-1 and 15-23 of Code of Ordinances of the City of Henderson, Kentucky, and that the condition was the responsibility of the Respondent as owner, or person in charge, of the property on which the violation occurred.

CONCLUSIONS OF LAW

The Board concludes, based on the foregoing Findings of Fact, That Respondent, Chris Smithhart on behalf of Deborah K Lynn Trustee etal, has committed a violation of Sections 15-1 and 15-23 of Code of Ordinances of the City of Henderson, Kentucky, as charged in the citation.

ORDER

Respondent, Chris Smithhart on behalf of Deborah K Lynn Trustee etal, is ordered to pay a civil fine of \$120.00 imposed against the Respondent for Citation # 2020-0001085. In addition, Code Enforcement is ordered to begin issuing daily citations for non-compliance beginning on May 11, 2021.

DONE AND ORDERED THIS 10th day of May, 2021.

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, Chris Smithhart on behalf of Deborah K Lynn Trustee etal, on this the 11th day of May, 2021.

Secretary, Code Enforcement Board