

HENDERSON COUNTY
CODE ENFORCEMENT BOARD
DEFAULT ORDER

Issued to:

CURTIS & JAMIE SPAINHOWARD
3606 E MARSHALL STREET
HENDERSON, KY 42420

Citation No: HC2023-17-11
Date of Issuance: 4/27/2023

Physical Address of Property: 3592 E Marshall Street, Henderson, KY 42420

Date and Time Violation Noted: 4/25/2023 at 9:31 AM

WHEREAS, a Citation for Violation of the Henderson County Nuisances and Unsafe Structures Ordinance as adopted by Henderson County Fiscal Court was served upon the above-named owner(s) and/or occupier(s) of the above listed property on April 27, 2023 for the following violation(s):

Section 176-8 Public Nuisances, 176-9 Sanitation, 176-11 Vehicles, scrap, salvage materials, 176-12 Rubbish and garbage, 176-13 Weeds, 176-14 Harborage, Henderson County Zoning Ordinance Section 4.27 automotive vehicles without current license plates and wrecked or junk vehicles shall not be stored on a lot unless in an enclosed building.

Facts Constituting the Offense:

The property and premises are not being maintained in a clean, safe, and sanitary condition due to the accumulation of rubbish, garbage, scrap and salvage materials, and junk/wrecked automobiles. The property is detrimental to the safety, welfare and convenience of the inhabitants of the County of Henderson and is a health hazard. The weeds and grass are not being mowed and proper steps are not being taken to prevent accumulation of stagnant water which can harbor mosquitos. The vehicles on the property shall have current license and be operable.

The Respondent, CURTIS & JAMIE SPAINHOWARD, having failed to pay the fine herein and/or to appeal the citation to the Code Enforcement Board within seven (7) days of the date of the Citation; and thus having waived their right to appeal this matter to the Code Enforcement Board or the Henderson District Court.

IT IS HEREBY ORDERED that the above-named owner(s) and/or occupier(s) of the listed property are hereby fined the amount of \$850.00 and Citation HC2023-17-11 is hereby adopted and incorporated herein pursuant to the Henderson County Nuisances and Unsafe Structures Ordinance 21-13 Section 13-36(7).

Said fine shall continue to be a lien against the property for ten (10) years from the date of lien recordation, or unless the full lien amount is paid, including any and all costs associated with the enforcement and entry of this order, and any and all abatement costs which may be expended by the County to remedy the nuisance; and shall bear interest at the statutory rate until paid in full.

 Date: 05/22/2023
Donnie Beal
Code Enforcement Board Chairman

This Instrument Prepared By:


Code Enforcement Board Secretary
Henderson County Fiscal Court
20 N. Main Street, Ste. 201
Henderson, KY 42420
PH: (270) 631-0000 EXT 1228
Email: jellis@hendersonky.us

HENDERSON COUNTY CODES DEPARTMENT
RANDY TASA – CODES ADMINISTRATOR
1990 BARRETT CT., SUITE H
(270) 827-6030

CITATION

Issued to:

Curtis & Jamie Spainhoward
3606 E Marshall St
Henderson, KY 42420

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Date and Time Violation Noted: 4/25/2023 at 9:31 AM

On the date and time noted above, the property at 3592 E Marshall Street was found to be in violation of one or more sections of the Henderson County Nuisances and Unsafe Structures Ordinance and the Henderson County Zoning Ordinance as adopted by Henderson County Fiscal Court as described below:

Violation(s):

Section 176-8 Public Nuisances, 176-9 Sanitation, 176-11 Vehicles, scrap, salvage materials, 176-12 Rubbish and garbage, 176-13 Weeds, 176-14 Harborage, Henderson County Zoning Ordinance Section 4.27 automotive vehicles without current license plates and wrecked or junk vehicles shall not be stored on a lot unless in an enclosed building.

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Total of fines: \$850.00

Civil Fines:

- (a) Uncontested- If the citation of the violation noted above is not contested, the penalties set forth are as follows in Offense/Fine schedule below.
- (b) Contested- If the citation of the violation noted above is contested and a hearing before the Henderson County Code Enforcement Board is required, the maximum penalties set forth are as follows in Offense/Fine schedule below.

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VIOLATION (Uncontested)	1 st Offense	2 nd Offense	All Others
§176-6	\$125.00	\$150.00	\$200.00
§176-7	\$125.00	\$150.00	\$200.00
§176-8	\$50.00	\$100.00	\$150.00
§176-9	\$30.00	\$60.00	\$100.00
§176-10	\$30.00	\$60.00	\$100.00
§176-11	\$50.00	\$100.00	\$200.00
§176-12	\$30.00	\$60.00	\$100.00
§176-13	\$50.00 (plus \$5 per acre)	\$75.00 (plus \$5 per acre)	\$100.00 (plus \$5 per acre)
§176-14	\$50.00	\$100.00	\$200.00

VIOLATION (Contested)	1 st Offense	2 nd Offense	All Others
§176-6	\$200.00	\$225.00	\$300.00
§176-7	\$200.00	\$225.00	\$300.00
§176-8	\$100.00	\$150.00	\$200.00
§176-9	\$30.00	\$60.00	\$100.00
§176-10	\$30.00	\$60.00	\$100.00
§176-11	\$50.00	\$100.00	\$250.00
§176-12	\$30.00	\$60.00	\$100.00
§176-13	\$50.00 (plus \$5 per acre)	\$75.00 (plus \$5 per acre)	\$150.00 (plus \$5 per acre)
§176-14	\$50.00	\$100.00	\$250.00

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Unless the citation is contested, all fines shall be paid in full to Henderson County within seven (7) days of the date of issuance, either in person or by mail to the office of Henderson County Fiscal Court located at 20 N. Main Street, Henderson, KY 42420.
Include a copy of the citation with payment of fines.

TOTAL OF FINES: \$850.00

Procedure to Contest the Citation:

The person to whom the citation is issued has the right to request, in writing, a hearing to contest the citation within seven (7) days of the date of issuance. The request for a hearing shall be submitted to the office of Henderson County Codes Department at 1990 Barret Court, Suite C, Henderson, KY 42420.

If you choose to contest the citation, a hearing will be held on May 22nd at 4pm in the Fiscal Court Room at 20 North Main Street, Henderson, KY 42420 on the third floor.

Failure to Respond:

If the person to whom the citation is issued fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to Henderson District Court.

Authority to Abate:

The code enforcement officer has the authority to abate any and all deficiencies contained in the citation with all charges and fees incurred by the County in connection with the enforcement of the ordinance billed to the owner.

Section 13-44 Transfer of ownership:

It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation, or upon whom a citation or final order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to

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another until the provisions of the notice of violation, citation or final order have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice of violation, citation or final order issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation, citation or final order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation, citation or final order.

Randy Tasa

Randy Tasa, Henderson County Codes Administrator