

CRAWFORD & BAXTER, P.S.C.

ATTORNEYS AT LAW

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April 23, 2019

PCM Enterprises, Inc.,
ATTN: Mr. Chris Hall
P.O. Box 289
Madison, Indiana 47250

RE: **Nuisance Lien on Property located at Barker Street and Park Avenue
(old car wash), Carrollton, Kentucky 41008**

Mr. Hall:

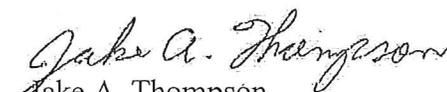
Please find the enclosed Notice of Lien which has been filed against the property located at Barker Street and Park Avenue, Carrollton, Kentucky 41008. The total amount of the lien is \$5,026.00, for the costs of abating the nuisance located on this property. This can be paid at the Carrollton City Hall located at 750 Clay Street, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, or payment may be mailed to P.O. Box 156, Carrollton, Kentucky 41008.

If you dispute the validity of this debt, or any portion thereof, contact me within thirty (30) days of receipt of this letter, then I will obtain verification of the amount owed and forward it to you. If I do not hear from you within thirty (30) days of receipt of this letter, then I will assume that the debt is valid.

If you have any questions about this letter, then please contact John Welch, City of Carrollton Code Enforcement Officer at 502-732-7060.

Sincerely,

CRAWFORD & BAXTER, P.S.C.


Jake A. Thompson
Carrollton City Attorney

JAT/dmp
Enclosure
cc: Mr. John Welch

APR 24 2019

NOTICE OF LIEN

OWNER: PCM Enterprises, Inc.,
PROPERTY ADDRESS: Barker Street and Park Avenue (old car wash)
TAX ID #: C3-08-03-02

Comes now the affiant, and after being duly sworn, states as follows:

Pursuant to KRS 65.8801 to 65.8839, Carrollton Ordinance § 35.151, and the attached non-appealable final order of the City of Carrollton's Code Enforcement and Nuisance Board, the City of Carrollton has a lien on the real estate located at Barker Street and Park Avenue, Carrollton, Kentucky 41008, for the fines, penalties, charges, fees and abatement costs imposed in the amount of Five Thousand Twenty Six dollars (\$5,026.00), which is superior to and has priority over all other liens on the property, except state, county, school board and city taxes.

By law, the City Attorney may foreclose on this lien in the same manner as mortgage liens are foreclosed.

Further the affiant sayeth naught.



John Welch, City of Carrollton
Code Enforcement Officer

STATE OF KENTUCKY)
COUNTY OF CARROLL)

Subscribed and sworn to before me by John Welch, City of Carrollton Code Enforcement Officer, on this the 4th day of April, 2019.

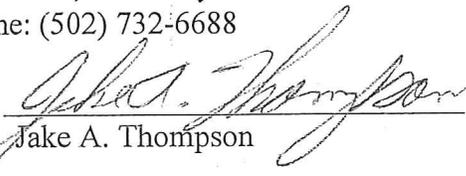
My commission expires: August 3, 2019



NOTARY PUBLIC, KY. STATE AT LARGE

THIS INSTRUMENT PREPARED BY:

CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
P.O. Box 353
Carrollton, Kentucky 41008
Phone: (502) 732-6688

BY: 

Jake A. Thompson

CARROLLTON

Established 1838 / Carroll Co., Ky

Department of Code Enforcement

PERMITS & INSPECTIONS

BOARDS & COMMISSIONS

FLOODPLAIN MANAGEMENT

CITY OF CARROLLTON, KY CODE ENFORCEMENT BOARD

FINAL ORDER

ISSUANCE DATE: 10-08-18 CIVIL CITATION# CEB CC 100818 PMC Misc. Concrete
ISSUED TO: PCM ENTERPRISES INC.,
PRINT NAME
P.O. BOX 289, MADISON, IN 47250
ADDRESS

PHYSICAL ADDRESS OF VIOLATION: BARKER & PARK AVE. (Misc. Concrete @ Car Wash)

Upon receiving the attached citation the alleged violator has 7 days to remedy the violation, if the violation is not resolved per the citation within the prescribed timeframe a final order will be issued to the alleged violator making those findings and associated fines final.

Pursuant to Carrollton Ordinance 35.147 and KRS 65.8801 through KRS 65.8840, due to the alleged violator's failure to:

- Resolve the violation within the prescribed timeframe as described within the citation.
- Contest the Citation within seven (7) days after receipt by submitting the attached Request for Hearing form or
- To appear at the time and place set for the hearing, if requested, the citation, as issued on pages 1 and 2 of this Citation shall be and is hereby final and nonappealable.

The civil fine for an uncontested citation as set forth on pages 1 and 2 of this Citation shall be and are hereby imposed.

CERTIFICATION

The undersigned hereby certifies that on 10-15-18 a copy of this Citation was served upon the person to whom the Citation was issued by one or a combination of the following methods: (1) Personal service to the alleged violator; (2) Leaving a copy of the citation with any person eighteen (18) years of age or older, who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; (3) Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or (4) if, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in paragraphs (1) to (3) of this subsection is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

John Welch
(Printed Name of Code Enforcement Officer)

[Signature]
(Signature)

10-15-18
(Date)

CARROLLTON

Established 1838 / Carroll Co., Ky

Department of Code Enforcement

PERMITS & INSPECTIONS

BOARDS & COMMISSIONS

FLOODPLAIN MANAGEMENT

CITY OF CARROLLTON CODE ENFORCEMENT

CIVIL CITATION

2018

SECTION 1

REASON FOR CITATION • VIOLATION INFORMATION • CIVIL FINE

ISSUANCE DATE: 09-21-18

CIVIL CITATION# CEB CC 092118 PMC Misc. Concrete

ADJUSTED DATE: CEB CC 100818 PMC Misc. Concrete (SEE NOTE)

ISSUED TO: PCM ENTERPRISES INC.,
PRINT NAME

P.O. BOX 289, MADISON, IN 47250
ADDRESS

PHYSICAL ADDRESS OF VIOLATION: BARKER & PARK AVE. (Misc. Concrete @ Car Wash)

This citation is issued for nuisance or other code violation(s) found on your property.

The undersigned Code Enforcement Officer of the City of Carrollton certifies that, based upon his or her personal observation or investigation, he or she has reason to believe and has determined that the above named person has, by either act or omission, caused, conspired, permitted, promoted, allowed, aided, assisted, encouraged or engaged in the occurrence of the following violation(s):

TIME OF THE OFFENSE:

<u>22nd</u>	<u>January</u>	<u>2018</u>	<u>11:00 am</u>
DAY OF WEEK	MONTH	YEAR	TIME

ORDINANCE SECTIONS: CHAPTER 154 PROPERTY MAINTENANCE CODE

DESCRIPTION OF VIOLATION(S): SEE OFFICER'S FINDINGS BELOW

CIVIL FINES: The issuance of this citation begins the accrual of civil fines for the violation(s) as set forth in Section 2.

JOHN WELCH
(Printed Name of Code Enforcement Officer)


(Signature)

10-08-18
(Date)

SECTION 2

RESPONDING TO THE CITATION • FINDINGS • REMEDY • AMOUNT OF CIVIL FINES

Carrollton Ordinance 35.147 requires you to respond to this Citation within 7 days after receipt of a copy of the Citation by either of the two following options:

OPTION #1

The violator can remedy the violation and pay the following civil fine at Carrollton City Hall located at 750 Clay Street in Carrollton;

CONSENT:

ALL VIOLATIONS OBSERVED FROM THE SUBJECT PROPERTY WHICH IS OPEN TO THE PUBLIC.

OFFICER FINDINGS:

OFFICER WILL LIST THE VIOLATIONS OF THE PMC BY SECTION NO. & DESCRIPTION.

AN INSPECTION OF THE CAR WASH SITE SHOWS MISC. EQUIPMENT CONCRETE STANDS CONCRETE DRAINAGE PAN STILL IN PLACE AND IN UNFIT CONDITION. PER: CHAPTER 154 PROPERTY MAINTENANCE CODE

§154.108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

§154.108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

§154.108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

PER: CHAPTER 154 PROPERTY MAINTENANCE CODE

§ 154.03 Revisions

(B) Unsafe / Problem Structures. In that there is a need to establish a period of time an unsafe / problem structure may remain standing, the International Property Maintenance Code Section 108 dealing with unsafe structures and equipment is amended to add the following:

- (1) An unsafe / problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to the definition in the International Property Maintenance Code, as well as the following:

PER PMC SECTION 108 UNSAFE STRUCTURES & EQUIPMENT

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

- 3.) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
- 6.) The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*
- 7.) The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

REMEDY:

WITH THE CAR WASH REMOVED THESE REMAINING STRUCTURES AND EQUIPMENT NEED TO BE REMOVED FILLED IN AND BLACKTOPPED OVER. SEE ATTACHED PHOTOS.

TIMEFRAME FOR COMPLIANCE:

CONDEMNED DATE 09-21-2018 . **ADJUSTED CONDEMN DATE 10-08-2018**

THE OWNER MUST FOLLOW THE PROCEDURE AS OUTLINED IN THE PROVISIONS OF THE PROPERTY MAINTENANCE CODE AS FOLLOWS:

WITHIN 60 DAYS FROM THE ADJUSTED ISSUANCE DATE OF THIS CITATION / NOTICE OF CONDEMNATION, THE OWNER IS REQUIRED TO DO THE FOLLOWING:

- 1. REMOVE THE REMAINING CONCRETE SECTIONS, PAN, DRAINAGE AND STANDS AND EQUIPMENT ASSOCIATE WITH THE CAR WASH.**
- 2. FILL IN WITH APPROPRIATE FILL, COMPACT AND BLACKTOP MAKING THE SITE SAFE.**

60 DAYS FROM 10-08-2018 IS A DEADLINE OF DECEMBER 7TH, 2018

PER: CHAPTER 154 PROPERTY MAINTENANCE CODE

§ 154.03 Revisions

(2) When an unsafe / problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the condemnation, fire or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

CIVIL FINE FOR UNCONTESTED CITATION(S):

\$25.00 per day for each day the violation(s) continues.

The fine for each day to begin with the issuance of this citation and to continue until the violation is resolved or dismissed by the board.

When the owner notifies Carrollton Code Enforcement of his or her choice to either repair the building or to demolish the building and obtains the necessary permit, all fines will cease.

OR

OPTION #2 Submit the attached "Request for Hearing" form to the City Clerk at Carrollton City Hall located at 750 Clay Street in Carrollton, which will indicate that you wish to contest the citation by requesting a hearing before the Code Enforcement & Nuisance Board (CE&NB). Upon submitting the request for a hearing with the CE&NB will be scheduled no earlier than seven days from that submittal date. You will be notified of that hearing date.

If this Citation is contested and the Board determines from the evidence presented at a due process hearing that the alleged violation(s) were committed by the person to whom this Citation was issued, the Board may assess and impose upon that person an amount less than the civil fine assessed in OPTION # 1, or any amount up to a maximum as set forth below:

MAXIMUM CIVIL FINE FOR CONTESTED CITATION:

\$ 50.00 per day for each day the violation continues plus the costs to the City for any abatement of violations, plus the costs of collection, including, without limitation, recording fees, court costs and attorney fees, if any.

SECTION 3

FAILURE TO RESPOND • WAIVED RIGHT TO HEARING • FINAL ORDER ISSUED

If the person to whom this Citation is issued fails to respond in 7 days after receipt of a copy of it by following through with either of the two options as described above, then the determination that the violation(s) described on page 1 hereof were committed by that person shall become final, **this citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in this citation, and you shall be deemed to have waived the right to appeal the final order to District Court.**

KRS 65.8835 provides that the City shall possess a lien on that property for all of the fines, charges, abatement costs and fees assessed for those violations.

KRS 65.8831 provides for an appeal from the determination of the Board through the filing of a complaint and a copy of the Board's Final Order in the District Court for Carroll County, Kentucky, within thirty (30) days after the Board's determination.

CERTIFICATION

The undersigned hereby certifies that on 10-08-18 a copy of this Citation was served upon the person to whom the Citation was issued by one or a combination of the following methods: (1) Personal service to the alleged violator; (2) Leaving a copy of the citation with any person eighteen (18) years of age or older, who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; (3) Mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or (4) if, in the exercise of reasonable diligence, the issuance of a citation using the methods set out in paragraphs (1) to (3) of this subsection is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises.

JOHN WELCH
(Printed Name of Code Enforcement Officer)

[Signature]
(Signature)

10-08-18
(Date)

**NOTE: THE DATES FOR THIS CITATION HAVE BEEN ADJUSTED
THE ORIGINAL CITATION DATE OF 092118 HAS BEEN ADJUSTED TO 100818
THIS WAS DONE BASED UPON OWNER STATING THAT THEY HAD NOT RECEIVED THE
CITATION ON THE ORIGINAL ISSUANCE DATE. I HAVE HAD A GOOD WORKING
RELATIONSHIP WITH THIS OWNER AND SEE NO REASON TO NOT BELIEVE HIM.
ACCORDINGLY THE 60 DAY DEADLINE DATE HAS ALSO BEEN ADJUSTED AND IS NOW
DEC. 7TH, 2018.**

**CARROLLTON CODE ENFORCEMENT
CIVIL CITATION-----REQUEST FOR HEARING**

2018

When a citation is issued by Carrollton Code Enforcement (CCE) for a violation of the Nuisance Ordinance the alleged violator has seven days from the issuance date of the citation to submit this Request for Hearing. The request informs CCE that the alleged violator is contesting the validity of the citation before the Carrollton Code Enforcement Board (CEB).

ISSUANCE DATE: 09-21-18 CIVIL CITATION# CEB CC 092118 PMC Misc. Concrete
ADJUSTED DATE: CEB CC 100818 PMC Misc. Concrete (SEE NOTE)

ISSUED TO: PCM ENTERPRISES INC.
PRINT NAME

P.O. BOX 289, MADISON, IN 47250
ADDRESS

PHYSICAL ADDRESS OF VIOLATION: PARK AVE. PARCEL ID C3-08-03-02 (Car Wash)

DEADLINE TO SUBMIT REQUEST FOR HEARING: 09-28-18 Adjusted 10-15-18

REQUEST SUBMITTED: _____
DATE TIME

BY: **PROPERTY OWNER** **OR REPRESENTATIVE** _____
PLEASE CHECK APPROPRIATE PLEASE PRINT NAME

By submitting this request you have indicated that you wish to contest the validity of the citation
CEB CC 092118 PMC Misc. Concrete.
ADJUSTED DATE: CEB CC 100818 PMC Misc. Concrete (SEE NOTE)

The City Clerk Treasurer will schedule a hearing with the board to take place no earlier than seven days from your request submittal date. You will receive notice of the date, time, and place prior to the hearing. If you do not appear you will waive your right to contest the citation and its findings shall be determined to be final (see page three of the citation).

I _____ signify by this signature that I wish to
SIGNATURE OF THE ALLEGED VIOLATOR
appear before the Carrollton Code Enforcement Board to present my case contesting the subject citation.
ADJUSTED DATE: CEB CC 100818 PMC Misc. Concrete (SEE NOTE)

SUBMITTED TO CITY REPRESENTATIVE:

MELINDA WRIGHT-MOORE, CITY CLERK TREASURER _____
PLEASE PRINT NAME & POSITION DATE