City of Fulton Code Enforcement Code and Nuisance Board

340 Browder Street PO Box 1350
Fulton, Kentucky 42041
Office (270) 472-1423 Fax (270) 472-1914

CITY OF FULTON, KENTUCKY — **PETITIONER**

V

Thomas Totty II — **RESPONDENT**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The cause was presented at a public hearing before the Board on 11/15/2018 after due notice to the Respondent, and the Board having heard testimony under oath, received evidence, considered stipulations, and head arguments thereupon, now issues its Findings of Fact, Conclusions of Law and Order, as follows:

Code and Nuisance Board having heard testimony at a public hearing conducted before the Board on 11/15/2018, and based on the evidence presented, the Code Enforcement and Nuisance Board enters the following FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER.

FINDINGS OF FACT

The Respondent, Thomas Totty II, whose mailing address is 287 ST RT 94 E, Fulton, KY 42041 is the owner or person in charge of property located at 1001 Walnut Street, Fulton, KY 42041.

The Respondent received a citation issued by Nathan Lamb, dated 09/28/2018, which charged the Respondent with a violation of **IPMC 108.1.3 - Condemnation Unfit Structure,** described as follows: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

The Board finds, based on all 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, and that the condition was caused by the Respondent, or was the responsibility of, the Respondent, as owner or person in charge of the property on which the violation occurred.

The board further finds, based on the testimony and evidence presented that all interested parties receive notice of the hearing and were afforded the opportunity to present evidence, if present.

The board further finds, based on the testimony and evidence presented that the structure located on the subject property is in such a state of disrepair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, it is unreasonable to repair the structure and demolition is; therefore, the most appropriate remedy and said demolition is necessary to protect the safety and welfare of the citizens of Fulton, Kentucky.

CONCLUSIONS OF LAW

The Board concludes, based on the foregoing Findings of Fact, the Respondent, Thomas Totty II , has committed a violation of **IPMC 108.1.3 - Condemnation Unfit Structure**.

The Board concludes that the structure located on the subject property is in such a state of disrepair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, it is unreasonable to repair the structure and demolition is; therefore, the most appropriate remedy and said demolition is necessary to protect the safety and welfare of the citizens of Fulton, Kentucky.

ORDER

The respondent, Thomas Totty II, is ordered to demolish and remove all traces of the structure including debris, sidewalks, driveways, foundations, plant material except for grass and large trees and make the soil level on the lot no later than 12/15/2018. In the event that the conditions of this order are not fulfilled by the date specified, the code official shall abate the conditions by demolishing the structure and removing all debris. If Thomas Totty II fails to comply within the time specified, a certified copy of this order, together with a Claim of Lien, shall be recorded in the Office of the County Clerk, and once recorded, along with all charges and fees incurred by the city in connection with enforcement, shall constitute a lien against the property upon which the violation exists, pursuant to KRS 65.8835. The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is brought into compliance.

DONE AND ORDERED on this date: 11/15/2018.

CODE ENFORCEMENT AND NUISANCE BOARD OF FULTON, KENTUCKY

ANN BAND by NATHAN LAMB

Chairman
Code Enforcement and Nuisance Board

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order will be furnished to Respondent, Thomas Totty II, on this date: 11/16/2018.

Gwin Wood

Secretary
Code Enforcement and Nuisance Board

I HEREBY ACKNOWLEDGE that I have been read and understand the foregoing Findings of Fact, Conclusions of Law and Order, and that I have received a copy of the same. I understand my rights to appeal this Order within a period of **30 days** from this date, in accordance with KRS 65.8831. I am also aware that in the event of non compliance, an order imposing a civil fine shall be recorded in the office of the county clerk and thereafter, along with all charges and fees incurred by the city in connection with enforcement, shall constitute a lien against the land upon which the violation exists, or upon any other real or personal property owned by myself. I also understand that I am personally responsible for the amount of the civil fine, and charges and fees incurred by the city in connection with enforcement.

Dated this date: 11/15/2018.

Thomas Totty II
Respondent