



FINAL ORDER

ID#E20525-2 Gentile Baptist Church

Issued to: Gentile Baptist Church
129 Elm Street Winchester, KY 40391

Date of Issuance: July 17, 2025

Narrative Description of Violation: The Gentile Baptist Church is unable to maintain the property at 129 Elm Street. The property has a vacant structure or vacant or unimproved lot or parcel of ground located within the boundaries of the city which has been vacant or unimproved for at least one (1) year and the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

Violation(s): Failure to maintain property at 129 Elm Street Winchester, KY

Code Section: KRS 65.8825(6) failure to pay or contest, KRS 99.705 blighted property, IPMC 304.7 Roofs and drainages

Code Title: Winchester Code of Ordinances - Chapter 2 – Administrative Hearing Board ARTICLE VII, Section 2-401 Public Nuisances Related to Maintenance, Section 2-392 Hearing, Notice & Final Order

Full Description:

1. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
2. Sec. 2-401. - Public nuisances related to maintenance. Public nuisances related to maintenance includes, but is not limited to, any of the following:
3. (1) The physical condition or occupancy of any premises regarded as a public nuisance at common law; (2) Any physical condition or occupancy of any premises or appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; (3) Any premises that has

unsanitary sewerage or plumbing facilities; (4)Any premises designated as unsafe for human habitation; (5)Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; (6)Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; (7)Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or (8)Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises. (Ord. No. 10-2011, § 21, 7-27-11)

Sec. 2-395. - Lien; fines, charges, and fees.

- A. The city and county shall possess a lien on property owned by the person found by a final, nonappealable order issued based upon an uncontested citation; by a final, nonappealable order of the board; or by a final judgment of a court of competent jurisdiction, to have committed a violation of an ordinance which the board is authorized to adjudicate, for all fines assessed for the violation and for all charges, costs, penalties, and fees, including attorney's fees, incurred by the city and county in connection with the enforcement of the ordinance.
- B. The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest, at the rate of four (4) per cent interest, until paid.
- C. Pursuant to KRS 65.8835, the lien shall take precedence over all other liens on the property, except state, county, school board, and city taxes, and may be enforced by judicial proceedings or to the extent permitted by law administrative hearing board enforcement proceedings.
- D. In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation, including a fifteen dollar (\$15.00) administration fee, and for all charges and fees incurred by the city and county in connection with the enforcement of the ordinance. The city and county may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.
- E. The city and county shall be entitled to recover from the responsible party or parties all reasonable attorney fees and others costs incurred by the city and county by reason of the collection upon and enforcement of the responsible party's or parties' liability hereunder and the lien which secures the same.
- F. Upon payment, determination of the board or court order, the city and county shall be authorized to release any lien filed hereunder and recorded in the office of the county clerk.

(Ord. No. 10-2011, § 15, 7-27-11; Ord. No. 9-2020, 7-7-20)

Sec. 2-233. - Additional penalties for litigation. In the event litigation or an enforcement proceeding of the administrative hearing board is instituted to compel compliance with this section, the defendant, if found liable by a final order shall, in addition to taxes, penalty and interest, be responsible for all costs, including reasonable attorney's fees. Also, the city shall have a lien upon the

property of the defendant for the entire amount determined to be delinquent. (Ord. No. 3-2005, § 1, 2-15-05; Ord. No. 10-2020, § I, 7-7-20)

Sec. 2-393. - Appeals; final judgment.

- A. An appeal from any final written order of the board may be made to the Clark County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the board's final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.
- B. The action before the district court shall be de novo. If the court finds that a violation occurred, the offender shall be ordered to remedy the violation and pay to the city or county all fines, charges, fees, including attorney's fees, and penalties occurring as of the date of the judgment. The district court judge shall provide the offender a reasonable time to remedy the violation. If the offender does not remedy in the time provided, another notice of violation may be issued, in accordance with subsection 2-391(2), for another violation of the code.
- C. If no appeal from a final order of the board is filed within the time period set in subsection (a) above, the board's order shall be deemed final for all purposes.

(Ord. No. 10-2011, § 13, 7-27-11)

Facts Constituting the Offense: This property received violations starting on June 18, 2024. The property is abandoned and the roof is taking on significant amounts of water. Because no one is the rightful owner of the property and thereby take responsibility for it and because the repairs are still necessary, the Administrative Hearing Board voted to take the property by eminent domain June 16, 2025.

The Administrative Hearing Board, in its capacity as a Vacant Property Review Commission, has found:

1. The property is blighted as defined by KRS 99.705.
2. The parcel is vacant in a predominantly built-up neighborhood, which, by reason of neglect or lack of maintenance, has become a place for trespass and poses a danger to the surrounding community.
3. The property has received an order to eliminate the conditions which are in violation of local codes or law.
4. Abatement of the conditions rendering this property blighted and deteriorated shall be completed within ninety (90) days of this Final Order.

Offense Number: 2025-036

ADMINISTRATIVE HEARING BOARD

Hearing Date: June 16, 2025

Proof of Notice: Yes

Hearing Contested: No

Judgment: \$350.00

Default: Yes

Remediation Order: Fine:

Costs:

Penalty Fees:

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Don McCarty, Board Chair

Date: July 17, 2025