

City of Marion Code Enforcement

217 S Main St. Marion, KY 42064

Citation Number:

CE25-12001

Location of Violation:

701 E Depot St

Property Owner Name/Address:

Dustin McKinney
143 Whipoorwill Dr
Marion KY 42064, C

Date of Violation:

27 May 2026

Time of Violation:

11:00 am

Date issued;

29 May 2026

Time issued:

3:00

Description of Violation:

Yard full of trash/rubbish, broken furniture. Rubbish on porch, materials piled against house.

<u>Ordinance No.</u>	<u>Violation</u>	<u>Fine (Per Violation)</u>
92.02 (A)	Junked furniture/appliances prohibited	\$50.00
92.16 (B)	Accumulation of rubbish	\$50.00
94.07	Litter on private property	\$50.00
	Administrative Fee	\$185.00

If you choose to pay this penalty within seven (7) days and do not contest this citation, the fine that you currently owe for this offense is: **\$335.00**

The City of Marion is allowed by law to issue addition citations for each day that a code violation exists or is permitted to continue. Violations must be corrected regardless of fines being paid. Failure to abate issues may result in the city taking action to abate the violations on your behalf. Property owners shall be responsible for the cost of such abatement action.

If you choose to contest this citation and request a hearing before the Code Enforcement Board or hearing officer, the maximum fine that may be imposed for this violation is: \$ 585.00 (plus applicable costs and fees).

Citation issued by:
Tanya Scholtz-Byers
Code Enforcement/
Zoning Administrator
270-704-0054
tbyers@marionky.gov



Signature of Issuing Authority

Signature of Receipt if Personal Service

Personal Service Copy to Person >18

Copy Mailed Posted on property

This citation is issued pursuant to KRS 65.8801 et.seq. and the City of Marion Code of Ordinances. The violation with which you have been charged is a civil offense. You must respond to this citation within seven (7) days of the date issued by either paying the civil fine or requesting, in writing, a hearing to contest the citation. Such requests shall be filed at Marion City Hall during normal office hours or by requesting an appeal via the City's website at www.marionky.gov. Failure to pay the applicable civil penalty or request a hearing within seven (7) days shall constitute a waiver of your rights to contest the citation. The determination that a violation has been committed shall be final and cannot be appealed to the Code Enforcement Board or to District Court.



**CODE ENFORCEMENT BOARD
CITY OF MARION, KENTUCKY**

CASE # CE25-12001

CITY OF MARION, KENTUCKY

PETITIONER

V

Dustin McKinney

RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The Respondent, Dustin McKinney being properly notified of the violation(s) on property located at 701 E Depot St, Marion, KY 42064, and failing to exercise his/her rights as contained in section KRS 65.8825(6), Findings of Fact, Conclusions of Law and Final Order are issued as follows:

FINDINGS OF FACT

The Respondent, Dustin McKinney, is the owner or person in charge of the property located at 701 E Depot St, Marion, KY 42064.

The Respondent was issued a citation by Tanya Scholtz-Byers, Code Enforcement Officer, dated May 29, 2026 which charged the Respondent with the following violation(s) of the City of Marion, Kentucky Code of Ordinances:

- § 92.02 (A) PUBLIC NUISANCE- JUNKED FURNITURE/APPLIANCES
- § 92.16 (B) ACCUMULATION OF RUBBISH PROHIBITED
- § 94.07 LITTER ON PRIVATE PROPERTY

The respondent failed to respond to said citation within seven (7) days as required by KRS 65.8825(6) and the Marion Code of Ordinances Chapter 37.17(E).

It is found 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.

CONCLUSIONS OF LAW

It is concluded, based on the foregoing Findings of Fact, that Respondent, Dustin McKinney, has committed the following violation(s) of the City of Marion, Kentucky Code of Ordinances as charged in the citation:

- § 92.02 (A) PUBLIC NUISANCE- JUNKED FURNITURE/APPLIANCES
- § 92.16 (B) ACCUMULATION OF RUBBISH PROHIBITED
- § 94.07 LITTER ON PRIVATE PROPERTY

FINAL ORDER

It is hereby ordered that Respondent, Dustin McKinney, shall pay \$ 336⁻, which includes the \$ 150⁻ civil fine set forth in the citation and a \$185.00 administrative fee no later than July 1, 2026.

It is hereby ordered by this Board that Respondent, Dustin McKinney, shall comply with Title IX of the Code of Ordinances of Marion, Kentucky by correcting all aforementioned violations if the same continues to exist.

If Respondent, Dustin McKinney, fails to comply with this order by the dates specified, the Respondent shall pay a fine of \$ 50⁻ per day for each violation that continues to exist beyond the date set for compliance, subject to the maximum allowable fine for this offense.

In the event this violation has not been remedied, the City of Marion may take action to remedy the violation. If the City remedies the violation, the property owner will be charged for all expenses incurred in addition to the civil fine set forth in this Order.

If Respondent, Dustin McKinney, 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 and abatement, shall constitute a lien against the property upon which the violation exists, pursuant to KRS 65.8835.

Upon complying with this order, Respondent, Dustin McKinney, shall notify the Code Enforcement Officer for the City of Marion who shall inspect the property and notify the Code Enforcement Board of compliance.

DONE AND ORDERED THIS 17th day of June, 2026.

CODE ENFORCEMENT BOARD
CITY OF MARION, KENTUCKY

By:

A handwritten signature in blue ink, appearing to read "James D. ...", written over a horizontal line.

Chairman, Marion Code Enforcement Board

Attest:

A handwritten signature in blue ink, appearing to read "Eddo L. Best", written over a horizontal line.

Secretary, Marion Code Enforcement Board

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Final Order has been mailed First Class, postage paid to Dustin McKinney, 143 Whipoorwill Dr, Marion KY 42064 pursuant to Chapter 37.17(E)(2) of the Marion Code of Ordinances, on this the

23 day of June, 2026.

A handwritten signature in blue ink, written over a horizontal line.

Secretary/Designee