



# City of Bowling Green

## Internal Auditor's Office

Code Enforcement Follow-up Audit

Project# 2011-03

Issue Date: 04/04/12

Finalized: 04/16/12

Deborah Jenkins, CFE, CICA

## **Transmittal Letter**

TO: Kevin D. DeFebbo, City Manager, Ex-officio Member  
David McKillip, Audit Committee Chair  
Cristi Pruitt, Audit Committee Vice-Chair  
Scott Gary, Audit Committee Member  
James Martens, Audit Committee Member  
Joe Denning, Commissioner and Audit Committee Member

CC: Brent Childers, Neighborhood and Community Services Director  
Police Chief Doug Hawkins

FROM: Deborah Jenkins, Internal Auditor

Pursuant to the *Charter of the Internal Auditor's Office*, I hereby submit the follow-up report covering Code Enforcement. The objective of this follow-up report was to determine if Code Enforcement and related staff implemented the five (5) recommendations made in an earlier report, *Code Enforcement Process Audit* (Project# 2009-11, finalized on October 12, 2009). The results of the *Code Enforcement Follow-up Audit* have been discussed with management.

### **Results in Brief**

Code Enforcement has fully implemented three of the five recommendations, partially implemented one and currently has not implemented the final recommendation.

Sincerely,

Deborah Jenkins, CFE  
Internal Auditor

**Objective**

The objective of this follow-up audit was to determine if Code Enforcement implemented the five (5) recommendations made in an earlier report, *Code Enforcement Process Audit* (Project# 2009-11, finalized on October 12, 2009).

**Scope and Methodology**

The scope of this follow-up audit included Code Enforcement transactions from January 1, 2011 through October 31, 2011. To determine the implementation status of prior recommendations, I performed the following:

- Interviewed Code Enforcement, Police and Finance Department Personnel
- Reviewed the original audit report
- Performed test work to determine compliance with various recommendations
- Analyzed the results of the test work performed and discussed results with management

**Conclusion**

Code Enforcement has fully implemented three of the five recommendations, partially implemented one and currently has not implemented the final recommendation.

**Previous Observation and Recommendation:**

- 1. The Police Department should implement an accurate system to track and enforce parking citations.**

**Prior Auditor Recommendation**

*The BYPD should take advantage of advances in technology and implement an electronic ticketing process. There are multiple vendors that sell handheld parking citation equipment which would allow staff to electronically create citations and potentially update live to our financial system utilizing the wireless network already in place within the City. Many of these handheld devices also take photos which can be attached to the record to add additional documentation of the violation. According to staff within the City's Information Technology Department, the City already has language within the contract with Logos software to create a link between the Logos system and an electronic parking citation system which would streamline the process and make it more accountable and more efficient.*

*The collection of the citations could be outsourced to a third party vendor, but I would recommend a thorough evaluation, with the input of Treasury's collection expertise, of the potential vendor's processes and fees prior to signing a contract for collection services.*

*In addition, it should be clarified throughout the organization exactly who has the authority to void citations and the specific reasons allowable for voiding.*

**Prior Police Department Management Response**

*The Police Department, along with the Finance and Legal Departments are working together to improve the "Parking Ticket" enforcement process. In doing so, the following issues are being explored and/or considered:*

- 1. Review all City Ordinances and Policies related to the issuing of parking tickets, parties authorized to void parking tickets, towing of vehicles associated with parking violations, parking ticket fine structure and the collection of parking ticket fines.*
- 2. Explore the feasibility of contracting with a third party service provider to manage both the record keeping for parking tickets as well as the collection of parking ticket fines - both current and past due.*
- 3. Explore options related to hardware/software required to issue parking tickets digitally with a handheld digital device.*

**Prior Citizens and Information Assistance Management Response**

*Treasury has referred to the Code Enforcement Board Clerk people who received a parking ticket and later presented a valid handicapped placard; the Clerk has voided such tickets. The CEB Clerk has been instructed not to void any more tickets, pending a decision on who will have the authority to do so.*

**Current Status: IMPLEMENTED**

Multiple changes have occurred to improve parking enforcement. An update to the Bowling Green Code of Ordinances was approved on December 21, 2010 which is included in Attachment A. Management also reviewed the voiding process and created a policy which clearly states who and under what circumstances the parking citations can be voided. This is shown in Attachment B.

Updated parking citations are now used which include a location for the identification of specialty tags to help positively identify the correct vehicle owner. The State of Kentucky issues more than one license plate with the same number which can make owner identification difficult if the specialty tag information is not obtained when the citation is written. The written citations are submitted to the Records Division who conducts a search to positively identify the owner and the address for Kentucky issued plates. The citation along with the supporting owner information is submitted to the Treasury Division for entry into the City's Logos Financial Software. The Treasury Division mails monthly invoices for any amounts due.

The City's Information Technology Department has created a report which allows BGPD to easily identify vehicles with multiple outstanding citations. The process is still a manual ticket writing process, but procedures have been implemented to track and bill parking citations. Electronic ticketing could provide additional efficiencies if implemented in the future.

However, with the update to the Code of Ordinances, a new fee was created that doubles the original citation if not paid within 14 days. There is also an additional fee of \$15 if the citation is appealed, upheld by the board and still not paid within 14 days of the board decision. This new fee structure is not being entered as required in the Code and should be reviewed by the Department of Finance to ensure fees are added as stated in the updated Code.

## **2. City Central should require that all appeals are written in accordance with the *City of Bowling Green Code of Ordinances* and *Kentucky Revised Statutes (KRS)*.**

### **Prior Auditor Recommendation**

*All requests should only be accepted by the CEB Clerk in writing with an accurate responding date as well as the received date. The Blackbear software does allow the attachment of documents to the official record so I also recommend that City Central staff update their procedures to include scanning the written appeal request into the record which would electronically document the request for appeal. This would allow Code Enforcement Officers to better prepare for the CEB meetings by having knowledge of what the citizen was actually appealing.*

### **Prior Citizens Information and Assistance Management Response**

*In the past, the Code Enforcement Board Clerk has accepted verbal requests for an appeal, especially for parking citations. However, effective mid-August when the draft report began circulation, the Clerk stopped accepting any verbal requests. As noted, the Code Enforcement staff has already created an appeal form that prints on the back of the citation, which gives the appellant an easier means of submitting a written appeal. The Clerk has requested that CE staff make certain changes to the form to help her with processing. City Central staff has also created a similar form that will be made available to appellants of other code issues such as parking citations and animal control violations, and walk-ins who want to appeal a code enforcement citation. There are occasionally other miscellaneous Public Works-related code violations (erosion control, drainage) that would require similar documentation for appeals. This form requests the citation number, contact information, and date of appeal, and will be made available in the office, via mail, and via the City's website.*

*The written appeal will be scanned into the electronic record to document the request for appeal. When an appeal is received by mail, the Clerk will keep the envelope showing postmark and scan it in as well.*

### **Current Status: IMPLEMENTED**

Citations now print with an appeal form for easy completion by the citizen. The received appeals are also scanned into the new software system so staff can access as needed. The Community Development module within the City's enterprise software system was implemented in fall of 2011. Blackbear software is no longer used for citation entry. All appeals tested were documented with written appeals. The scanning is performed within the Code Enforcement division and the CEB clerk duties have also been absorbed by the division.

### **3. A standardized and timely method of recording adjustments to fees should be created in order to ensure accurate amounts are charged and collected from citizens.**

#### **Prior Auditor Recommendation**

*A standardized form or system should be created that would allow all divisions related to Code Enforcement to document all approved fee changes, their respective entry into Blackbear, and for submittal to Treasury for entry into the financial system. This would provide Treasury with a consistent source document to enter fee changes as well as a consistent way to document that the same changes were entered into Blackbear.*

*The CEB clerk should also create a standardized follow-up process for all CEB meetings to ensure that:*

- all decisions are entered into Blackbear the following business day and submitted to Treasury within three business days of CEB meetings;*
- the minutes reflect consistent and timely data to include dollar amounts for each decision whether upheld or waived;*
- all record numbers are included within the minutes;*
- agendas and approved minutes are timely posted to the City website; and*
- any additional related follow-up work is performed on a consistent and timely basis.*

#### **Prior Citizens Information and Assistance Management Response**

- a. A procedures timeline will be established whereby actions that must be taken as a result of the Code Enforcement Board meeting are prioritized and completed in a timely manner, including board decisions entered in Blackbear, orders completed and distributed, draft minutes prepared and distributed, follow-up work, and adopted minutes posted on the website. The City Central Coordinator will monitor compliance with the procedures timeline.*
- b. In order to have the board meeting minutes reflect record numbers and dollar amounts for each decision, whether upheld or waived, the agenda item will include the record number and current fee amount. The code enforcement officer or board member making the motion will be asked to reference the record number and respective fee amount in their statement or motion so that it can be noted in the minutes. Any amount changed by the board will also be referenced.*
- c. As noted in the draft report, staff has developed a Fee Change Form to consistently notify Treasury about fee changes that occur. This can come from HCD, Legal, or the CEB Clerk. The CEB Clerk will submit changes resulting from board action to Treasury within three business days.*
- d. With regard to the sample of 25 Blackbear billable work orders, the CEB Clerk does not enter the work orders or the amount in the financial software, thus City Central has no response to the issues described.*

- e. 20 additional records were sampled directly from decisions contained with the CEB meeting minutes. The audit indicated that based on the records in Blackbear, most decisions were entered several months after the board meeting with an average of 190 days. In fact, the records show that 16 of the 20 were entered over a period of four work days in August-September 2008.

*Financial records are being maintained in two systems until the Community Development module in NewWorld is implemented. As noted above regarding billable work orders, records in the two systems do not always match. The CEB Clerk and the Treasury Associate, responsible for maintaining related financial data in NewWorld, met over several days in late August and early September 2008 to reconcile the numbers in the two systems. The CEB Clerk had been entering amounts regarding board actions in a Blackbear field called "Receipts." She was later told that this was the incorrect field, that she should enter the amount under the "Fee" field, which is the same field used by code inspectors when they initially enter the fee. As the CEB Clerk and Treasury Associate reconciled the records, the Clerk deleted the amount entered under Receipts and re-entered the amount under Fee. This is the primary reason why many records from several months show an entry date within a short period of time. If original information was deleted, there is no easy means to know when the record was originally entered. The Treasury Associate confirmed to the Internal Auditor that she and the CEB Clerk went line by line to correct fee amounts in the two software systems, and that entries in the Receipt field were deleted because the wrong field was used, and entries put under the Fee field. However, she did confirm that there were some cases where a decision had not been originally recorded.*

*According to the Treasury Associate who worked with the CEB Clerk on reconciling records, staff was initially told to enter dismissals as Receipts to maintain the original fee records intact. The Treasury Associate does not recall who specifically gave them that direction, but that dismissals were entered as Receipts so as not to delete the fees in an effort to show what had been done in the record. However, the City's external auditor said if no cash is received, staff should zero out the bill in another manner. Therefore the "negative fee" was implemented to record dismissals. Treasury does occasionally find a fee that needs to be added or subtracted due to various staff in three departments having access to change fees as necessary. The Treasury Associate said that most fee changes result in work order amounts increasing and are later backdated to original billing; therefore they are never put on a report. She believes that these issues should be corrected once all billing is under one system. She said it is difficult to achieve 100% accuracy when the various parties field dozens of telephone calls and interruptions to their work.*

*The Blackbear screen does not actually show a final date action was taken by the board, it shows when the item was first filed with the CEB. Action can be delayed some months or the board can meet multiple times on an issue. This does not directly address the result of the audit but is a contributing factor to incomplete data.*

- f. *In order to make sure that all desired fields in Blackbear are completed by the CEB Clerk, the City Central Coordinator has asked representatives of Code Enforcement and Law to clarify those fields they need completed.*
- g. *There are presently no Blackbear records for Animal Control or Parking Citations. While not referenced in the audit, the CEB Clerk will start entering into Blackbear the appeals that are acted on by the CE Board in order to track them. The current software does not provide an option to enter a fee amount other than established code enforcement fees supplied by a drop down menu.*
- h. *The Code Enforcement Clerk has prepared a detailed response dated August 28, 2009, explaining the procedures and methods related to the entry of receipts into the Blackbear tracking system. It is attached to this Management Response along with several referenced attachments with the hope that it will be inserted as another appendix in the final report. (See Attachment F)*

**Current Status: PARTIALLY IMPLEMENTED**

The Code Enforcement Clerk provides copies of the minutes to the Treasury Division within three days of the meeting so any additional charges or waived fees can be entered into the system. The Treasury Division also receives a monthly report from the Code Enforcement Clerk containing the new citations and fees by specific date range for entry into the billing system.

Each item that is specifically discussed at the CEB meeting has the minutes from that meeting as well as any applicable findings of fact electronically attached to the case within the Community Development module of Logos. Blackbear is not used as the active system, but is used to reference cases initialized prior to the implementation of the Community Development module of the Logos Enterprise software in fall 2011.

The minutes include the case number as well as the citation amount of associated with the case. Minutes are consistently posted to the City's website. Decisions were consistently contained within the minutes reviewed.

However, the Community Development module of Logos does not connect to the Financial Management module so there are still potential variances between the Community Development module and the Financial Management module until the spring 2012 upgrade which will integrate the two modules, per Information Technology Department staff. The Code Enforcement Clerk stated that the entry of changes due to the CEB meetings were not always put in the Community Development module, but were always sent to the Treasury Division for entry into the City's billing system.

#### **4. The Code Enforcement Board should require citizens to appear before the board in order to hear their appeal in accordance with KRS and City Code.**

##### **Prior Auditor Recommendation**

*All citizens who wish to appeal their citation must appear before the CEB. If they are not able to attend the scheduled meeting due to extenuating circumstances, a representative such as a close family member, friend, or attorney that is knowledgeable of the circumstances could appear on their behalf with their permission. If there is not someone whom the citizen violator wishes to send on their behalf, then the appeal could also be postponed to the next month's meeting. If someone wants to appeal their citation, but refuses to appear before the board, then their appeal should not be considered and the citation should stand.*

##### **Prior Citizens Information and Assistance Management Response**

*In the past, the board had allowed the Clerk to read the appellant's statement when the appellant could not be there so that their appeal could be heard. However, effective beginning with the August 25 board meeting, the Clerk will no longer read an appellant's response/appeal. If an appellant cannot attend the board meeting, they will be advised to send a representative. If they request a delay until the next meeting, that request will be presented to the board for action. The board will decide when it has allowed enough postponements if the appellant continues to request them but does not appear at the meeting.*

##### **Current Status: IMPLEMENTED**

Appellants were present for all hearings reviewed during this follow-up.

**5. There should be a follow-up procedure implemented that responds to complainants in order to inform them of actions taken, if applicable, to remedy their complaint and increase citizen satisfaction.**

**Prior Auditor Recommendation**

*I recommend replacing the current contact card with a follow-up procedure that will give specific information to the complainant about their issue, inform them of the steps that City staff has taken, and reasons which prevent staff from acting on the complaint. This could be accomplished by redesigning the card to allow comments to be placed on it about the steps that staff has taken to look into the citizen's complaint and a timeline for correction if applicable. However, if the card was replaced by a follow-up letter, it would allow for more detail to be provided to the citizen including information as to why their complaint could not be addressed whether from budget restrictions, current Code of Ordinances and KRS, or any other applicable reason for no action.*

*This letter could be attached to the record electronically to further document the steps that City staff has taken in an effort to address citizen complaints. This would require the responding staff member to provide information to City Central so that a letter could be sent out in response to their inspection. Code Enforcement, Public Works and any other complaint responding department should work with City Central to develop a method that would consistently provide the information to City Central so the follow-up letter could be sent out in a timely manner.*

**Citizens Information and Assistance Management Response**

*As noted in the report, City Central sends callers a postcard with the complaint number and contact information so that the complainant can call back in to check the status of the complaint. This works when the caller provides their contact information and does not wish to be anonymous. City Central would like to continue to use the card so that callers know how to easily follow up on their complaint if they wish to. All Call Center staff has been instructed to use the postcard. In addition, Code Enforcement staff has worked out a means of producing a letter from Blackbear which will notify the complainant of actions taken regarding their complaint, including when and who inspected it and the final action. Call Center staff will run a report daily showing code enforcement cases that have been closed. Staff will have to differentiate between cases that were generated by City staff versus an outside complainant. A letter will then be generated and mailed to the complainant. City Central plans to go back to all cases closed on or after July 1, 2009 and generate and mail letters to those complainants.*

*While this will respond to the recommendation/observation regarding code enforcement complaints, Public Works Engineering and Operations staff must also enter the same status information and close date on complaints forwarded to Public Works so that Call Center staff can generate and send letters pertaining those to complaints.*

**Current Status: NOT IMPLEMENTED**

Form letters were created by Code Enforcement (See Attachment C) and mailed by City Central until August 2011. No formal follow-up has been in place since that time. City Central staff stated that often the follow-up letters confused complainants and resulted in additional calls to City Central asking for explanation of the letters. When the part-time position responsible for mailing the monthly letters was vacated, the letters were no longer mailed by the remaining staff.

# **Attachment A**

ORDINANCE NO. **BG2010 - 39**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 22 (TRAFFIC AND MOTOR VEHICLES) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO AMEND LANGUAGE RELATED TO PARKING ENFORCEMENT

WHEREAS, the City of Bowling Green enforces parking violations through the issuance of civil citations with appeals to the Code Enforcement Board; and,

WHEREAS, various amendments to the applicable Code of Ordinances are recommended to revise the penalty provisions, to establish an administrative appeal fee and to make other administrative amendments related to parking enforcement; and,

WHEREAS, these proposed amendments are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 22 (Traffic and Motor Vehicles) is hereby amended as follows:

22-6 PARKING ENFORCEMENT.

22-6.01 Enforcement Responsibilities.

Enforcement of Subchapters 22-4 and 22-6 shall be accomplished by police officers, cadets, volunteers or other individuals as assigned by the Chief of Police and as designated by the City Manager. ~~There is established in the Police Department, Field Operations Division, the Special Operations Unit which is placed under the control and made the responsibility of the Chief of Police, and is primarily responsible for the enforcement of Subchapters 22-4 and 22-6. The Chief of Police is authorized to promulgate additional regulations related to the enforcement of Subchapters 22-4 and 22-6, including, but not limited to, the voiding of parking citations in extenuating circumstances.~~

22-6.02 Notice of Parking Violations.

A notice of violation of this Chapter shall be issued in the form of a citation by any police

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officer or other person authorized by the Chief of Police. The police officer or other individual designated shall note the vehicle's registration number and any other information concerning the vehicle which will identify it and, if the driver is not present, a copy of the citation shall be issued by conspicuously placing it on the windshield of an illegally parked vehicle in a secure manner or in a prominent place thereon. Such posting of the citation shall be deemed prima facie evidence that said violation occurred and that the owner of said vehicle was properly notified of said violation. In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, this fact shall be noted on the citation and shall constitute prima facie evidence that the citation was issued and that an attempt was made to notify the owner of the vehicle of the violation in accordance with this Section.

b. The citation shall contain the following information:

1. The date and time the citation was issued;
2. The nature of the specific parking violation observed and the Section of the Chapter violated;
3. The state and license number, the registration number and the make of the vehicle in violation of this Chapter;
4. The name or an identifying number of the person issuing the citation;
5. Information advising the owner of the vehicle that he shall admit the violation and pay a civil penalty set forth hereinbelow, or ~~within seven (7) days~~ deny the violation and request a hearing before the City of Bowling Green Code Enforcement Board within fourteen (14) days;
6. The civil penalty that is imposed for the violation if the person does not contest the citation;
7. The maximum civil penalty that may be imposed by the Code Enforcement Board for the violation if the person contests the citation;

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8. A statement that if the person fails to request a hearing within ~~seven-(7)~~ fourteen (14) days, the person shall be deemed as having waived the right to a hearing before the Code Enforcement Board and the determination that a violation was committed shall be final;

9. The procedure for the person to follow in order to respond to the citation or to contest the citation; and,

10. A statement that a parking violation may result in impoundment of the vehicle for which the owner may be liable for a fine and towing, handling and storage charges or fees, or the installation of vehicle immobilization equipment or which the owner may be assessed additional fees.

22-6.03 Penalties.

a. Any person who violates any provisions of this Chapter related to parking regulations shall be subject to a civil penalty of \$25.00 per violation, except for parking in designated handicapped zones and the civil penalty for that violation shall be \$50.00 per violation. Each day a violation continues shall be a separate and distinct offense. All penalties shall be payable within fourteen (14) days from the date of the parking citation if the citation is not appealed. If the parking citation is not appealed to the Code Enforcement Board and the civil penalty is not paid within fourteen (14) days, the applicable civil penalty shall double. Any costs incurred by the City in the collection of the parking citation penalty shall also be added to the original fine amount. The maximum civil penalties that the City of Bowling Green Code Enforcement Board may impose shall be as follows:

~~1. Parking in excess of time allowed in any parking zone or parking space shall be \$30.00.~~

~~2. Parking in violation of Subsections 22-4.04 (d) or (m) shall be \$100.00.~~

~~3. Parking in violation of any other parking regulation shall be \$40.00.~~

b. The Code Enforcement Board may, in its discretion, increase the civil penalties for any parking citations appealed to the Board and which are upheld by the Board. The maximum civil

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~~penalty that the Code Enforcement Board may impose shall be \$50.00 per violation, except for parking in designated handicapped zones and the maximum civil penalty that the Code Enforcement Board may impose for that violation shall be \$100.00 per violation. If the owner of a vehicle in violation of this Chapter admits the violation and pays the civil penalty or does not request a hearing before the Code Enforcement Board, the civil penalty shall be as follows:~~

~~1. Parking in excess of time allowed in any parking zone or parking space shall be \$15.00; provided, however, that should the owner within seventy two (72) hours from the receipt of the citation pay the citation, the penalty shall be reduced to \$10.00.~~

~~2. Parking in violation of Subsections 22-4.04 (d) or (m) shall be \$50.00.~~

~~3. Parking in violation of any other parking regulation shall be \$20.00.~~

~~c. All parking violation payments shall be made to the City of Bowling Green Finance Department City Treasurer or any other person designated by the Chief of Police.~~

#### 22-6.04 Hearing.

a. Any person cited for a parking violation may contest the determination that a violation occurred by requesting in writing a hearing before the City of Bowling Green Code Enforcement Board. The request for a hearing shall be delivered to the Code Enforcement Board addressed to City Hall within the required ~~seven (7)~~ fourteen (14) day time limit ~~from the date of issuance of the parking citation.~~ When a hearing has been requested, the Board shall schedule a hearing for the next regular meeting of the Board that will permit adequate notification to be made to all parties. Not less than seven (7) days before the date of the hearing, the Board shall notify the requester of the date, time and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be

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deemed to have waived the right to a hearing to contest the citation and shall be deemed to have refused to pay the fine levied by the citation. The Board shall enter a final order determining the violation was committed and shall impose the appropriate civil penalty. A copy of the order shall be served on the violator.

b. At the hearing after consideration of the evidence, the Board shall determine whether a violation was committed. Where it is not established that the violation was committed, an order dismissing the citation shall be entered. Where it is established that a violation was committed, the Board shall uphold the citation and order the owner to pay the citation within ~~seven (7)~~ fourteen (14) days from the date of the written order of the Board. A copy of such order shall be furnished to the owner. Any person ordered to pay the fine who fails to do so within ~~seven (7)~~ fourteen (14) days shall be deemed to have refused to pay the fine levied by the citation and a \$15.00 late fee and all costs incurred by the City in collecting the civil penalty shall be added to the original fine amount.

c. The Board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing. All other testimony shall be taken under oath and recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

d. An appeal from the Board's determination may be made to the Warren District Court within ~~seven (7)~~ thirty (30) days of the Board's written order. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure and as set out in the applicable State statutes. ~~The appeal to the District Court shall be based on the record made before the Code Enforcement Board.~~ If no appeal of the final order of the Board is filed within the time allowed, the Board's order shall be deemed final for all purposes.

22-6.05 Vehicle Impoundment or Immobilization without Notice.

(Ordinance No. BG2010 - 39)

A vehicle may be impounded or vehicle immobilization equipment may be used without giving prior notice to its owner ~~only~~ under the following circumstances:

- a. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;
- b. The vehicle poses an immediate danger to the public safety;
- c. The vehicle is illegally parked within ten (10) feet of a fire hydrant;
- d. The vehicle, without a valid designated plate or placard issued under State law, is parked in a space clearly marked and designated for use by disabled persons;
- e. A police officer reasonably believes that the vehicle is stolen;
- f. A police officer reasonably believes that the vehicle or its contents constitute evidence of an offense and such impoundment or immobilization is reasonably necessary to obtain or preserve such evidence; provided, however, that nothing in this Section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required;
- g. The vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance or regulation, and there are ~~three (3) five (5)~~ or more outstanding parking citations issued against the vehicle that have not been responded to, appealed to the Code Enforcement Board or paid, or none of the final orders of the Code Enforcement Board have been appealed to Warren District Court; ~~or~~;
- h. ~~The vehicle is abandoned or is a junk vehicle; or~~
- i. The vehicle is parked, stopped or standing upon a street or public way in violation of any City ordinance or State statute at the time the citation is issued.

#### 22-6.06 Redemption of Impounded or Immobilized Vehicles.

Vehicles impounded or immobilized by the City shall be redeemed only under the following circumstances:

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a. Only the registered owner or other person entitled to possession based on proof of ownership or right to possession, ~~or a person authorized by the registered owner,~~ may redeem an impounded or immobilized vehicle. A person redeeming an impounded or immobilized vehicle must produce a valid driver's license. A vehicle impounded or immobilized for reasons of unpaid parking citations can only be released upon proof that all penalties, fines or forfeitures currently owed by the registered owner have been satisfied by full payment.

b. Any person redeeming a vehicle impounded by the City shall pay the towing contractor for costs of towing and impoundment prior to redeeming the vehicle. Any person redeeming a vehicle immobilized by the City shall pay a removal fee of twenty-five dollars (\$25.00) prior to having the immobilization equipment removed. Any vehicle that has had immobilization equipment installed that has not been claimed within three (3) days shall be towed.

c. The owner or other person entitled to possession of a vehicle which has been impounded or immobilized may challenge the validity of such impoundment or immobilization by requesting in writing a hearing before the Code Enforcement Board. The City shall retain possession of the vehicle pending the hearing unless the owner or other person claiming right of possession posts a bond or other security in a form satisfactory to the City and in an amount equal to the fines and fees accrued as of the date of the hearing request or seventy-five dollars (\$75.00), whichever is less.

d. The hearing shall be conducted within ten (10) business days of the date of the request unless the owner or other person entitled to possession waives the limitation or the City shows good cause for such delay. If the owner or person claiming possession is unable to pay the amount of the bond, the hearing shall be held within seventy-two (72) hours of the date of the request for hearing is received, unless such person requests or agrees to a continuance. No less than five (5) seven-(7) days prior to the date set for hearing, the Board shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within seventy-two (72)

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hours, the person requesting the hearing shall be informed at the time of his request or as soon thereafter as is practicable of the date and time of the hearing. Any person requesting a hearing who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf the validity of the impoundment or immobilization.

e. At the hearing after consideration of the evidence, the Board shall determine whether the impoundment or immobilization was valid and reasonable. Where it is not established that the impoundment or immobilization was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment or immobilization shall be returned. Where it is established that the impoundment or immobilization was justified, the Board shall uphold the impoundment or immobilization and condition the release of the vehicle upon the payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, the bond shall be forfeited to the City. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the City. A copy of such order shall be furnished to the owner or person appearing on behalf of the owner. The Board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.

f. An appeal from the Board's determination may be made to the Warren District Court within seven (7) thirty (30) days of the Board's written order. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Rules of Civil Procedure. ~~The appeal shall be based on the record made before the Board.~~ If the Court finds that the impoundment or immobilization was justified, the owner shall be ordered to pay to the City all fines, fees and penalties occurring as of the date of the judgment.

g. The City shall possess a lien on a vehicle impounded for all fines, penalties and fees

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(Ordinance No. BG2010 - 39)

imposed thereon. Such lien shall be superior to and have priority over all other liens except the towing company for its towing charges and any person who claims a security interest on the vehicle. All vehicles towed at the request of the City for violations of this Chapter shall be towed by companies approved by the City and stored at the location of the towing company. ~~Should the towing company sell the vehicle for nonpayment of towing and storage charges, the money received from the sale shall first be used to pay the towing charges, second to pay the City's outstanding parking violation fines, fees and penalties and third to pay the towing company's storage fees. Any remaining funds shall be distributed pursuant to the Kentucky Revised Statutes.~~

h. If within ten (10) business days of impoundment a vehicle has not been claimed or a hearing has not been requested, a notice shall be mailed by certified mail to the registered owner, if known, and lienholders of record, affording such parties the right within ten (10) days from the date of the notice to claim the vehicle or request a hearing. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within forty-five (45) days of receipt of the notice. After forty-five (45) days from the date of the receipt of the notice, the vehicle shall be deemed abandoned and the vehicle escheat to the City. If the vehicle is judged suitable for use, the City may obtain a certificate of registration and ownership from the Warren County Clerk pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use, it may be sold for its scrap or junk value. Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest therein.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in

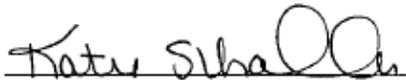
(Ordinance No. BG2010 - 39)

conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on December 7, 2010, and given final reading on December 21, 2010, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: December 21, 2010

APPROVED:   
Mayor, Chairman of Board of Commissioners

ATTEST:   
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 11/30/2010, 9:00 a.m.

# **Attachment B**

## **VOIDING PARKING TICKET POLICY / GUIDELINES**

The City of Bowling Green has established parking enforcement regulations, including the issuance of parking citations for overtime parking and parking in prohibited areas. Persons receiving parking citations may appeal those citations to the Bowling Green Code Enforcement Board. However, there may also be extenuating circumstances in which the issued parking citation may be voided, negating the need to appeal the citation.

1. The Parking Enforcement Citation Officer that issued the parking citation may void a parking citation in the field if the citation was wrongly issued, if the owner of the vehicle appears and demonstrates that the vehicle is temporarily inoperable and service has been requested or, if the vehicle is being cited for parking in a handicapped zone without a permit, if the operator of the vehicle appears and produces the permit allowing the operator or a passenger in the vehicle to park vehicles in a handicapped zone.

2. The Police Chief may void parking citations based on a written request from the owner of the vehicle that indicates to the satisfaction of the Chief that the citation was wrongly issued based on:

(a) Good cause shown based on clerical or administrative error such as a wrongly recorded license tag number;

(b) Exceptional or extenuating circumstances beyond the control of the vehicle operator such as vehicle problems or medical emergencies, or

(c) Satisfactory evidence that the operator of the vehicle had a legal right to violate the cited parking regulations.

3. The Police Chief or any employee of the Finance Department who collects parking fines may void a parking citation for parking in a handicapped zone provided the operator of the vehicle or a passenger in the vehicle at the time of the issuance of the parking citation possessed a current permit to park in handicapped zones and the operator or passenger produces a copy of the current permit and the operator or passenger, if applicable, executes an affidavit on a form provided by the City.

4. No other City employee may void any parking citations, but shall direct that all such requests be made to the Finance Department or Police Chief for questions related to handicapped parking violations and to the Police Chief for all other citations related to this policy.

5. No request to void an issued parking citation shall extend the appeal period time limitations.

# **Attachment C**

City of Bowling Green  
City Central Division  
1017 College St. PO Box 430  
Bowling Green KY 42102-0430



6/16/2011

CITIZEN'S REQUEST # 2010-00001619  
CITIZEN'S REQUEST DATE: 08/11/2010  
REQUEST SUBJECT: Sinkhole needs mowing

John Smith  
100 Anywhere Rd.  
BOWLING GREEN KY 42103

WORK ORDER # 2010-00002121  
RESOLVED DATE: 05/18/2011  
ADDRESS/LOCATION INFO: next door to 100 Meadowlark Ave.

In response to the Citizens Request that you filed with the City of Bowling Green; the following actions were taken.

Assigned to Department: Public Works Operations Division

Work was completed to resolve issue on 05/18/2011

If you have questions on this service notification please call one of our associates in the City Central Division at 270-393-3444 or Fax 270-393-3077.

Request for specific information on this case will require an Open Records Request form to be submitted. This is requested by state law for you to obtain this public information. The form is available on our website [www.bgky.org](http://www.bgky.org).

Respectfully submitted,

City Central Staff  
City of Bowling Green

City of Bowling Green  
Housing & Community Development  
City Central Division  
1017 College St. PO Box 430  
Bowling Green KY 42102-0430



June 16, 2011

John Smith  
100 Anywhere Rd.  
BOWLING GREEN KY 42101

**Re:** Complaint 2010-00004374

100 UNIVERSITY BLVD  
100 University Blvd

**Complaint Description:** Over Occupancy

**Resolution:**

After investigation of the complaint and/or other corrective actions, the resolution status is **Resolved** and the case was closed on 05/23/2011.

**Status Definitions:**

**In Compliance** - The inspection was made and the property was in compliance after the inspection.

**Resolved or Completed** - The inspection was made, a Notice of Violation was sent and/or a citation issued, and the violation was corrected.

**Unfounded** - The inspection was completed the violation was not located.

**Exempt** - The inspection was completed and determined to be exempt from statute by ordinance or other governing body.

**Canceled** - The complainant canceled the complaint and the inspection was not performed.

**Duplicate** - More than one case has been created from the same complaint, all cases are worked under one record.

**Referred** - Based on complaint and inspection, the case has been referred to another entity for resolution.

If you want a more detailed summary of the case you may file an OPEN RECORDS REQUEST and the information will be sent to you. The cost of the report is ten cents (.10) per printed page or it can be sent to you via email at no charge.

An OPEN RECORDS REQUEST form can be found on-line at [www.bgky.org](http://www.bgky.org) under the documents section.

Sincerely,

*City Central & Neighborhood Action Staff*

City Central & Neighborhood Action Staff  
Department of Housing & Community Development