

THE APPEAL PROCESS

The City of Bowling Green Code Enforcement & Nuisance Board offers those who receive a citation an opportunity to appeal that citation. All appeals must be in writing and delivered or mailed to the Board Clerk within seven days of issuance of the citation. Regularly scheduled meetings of the CENB are the fourth Tuesday of each month at 5 pm. Meetings are held in the City of Bowling Green Commission Chambers 1001 College Street, Bowling Green, KY. If a citation is received for a city ordinance violation, that citation can be appealed to the Code Enforcement & Nuisance Board. Please note that only the property owner(s) or legal representation thereof or the actual person who the citation is issued to can appeal the citation.

When a hearing before the Code Enforcement & Nuisance Board has been requested, it will be scheduled at the next available meeting date. The respondent (person who is requesting the hearing) will be notified of the date, time and place of their hearing. **Please see front of this brochure for that information if you have requested a hearing.**

The Code Enforcement & Nuisance Board Clerk will try to accommodate the respondent if the next meeting date is not suitable for your schedule while keeping in mind that the City is also required to give due process in a speedy manner. Although it is not required, the respondent may obtain an attorney, at their expense, to represent them at the hearing.

In accordance with KRS 65.8815(5), the meetings are open to the public and are being aired live on the City of Bowling Green Cable Channel 4. All records are available for public inspection in accordance with the Kentucky Open Records Law.

This brochure is not meant to be all inclusive or replace legal counsel or advice

City of Bowling Green
Code Enforcement & Nuisance Board
Clerk P.O. Box 430
Bowling Green, KY 42102-0430



City of Bowling Green

Code Enforcement & Nuisance Board Request for Hearing



Pursuant to your request, the City of Bowling Green Code Enforcement & Nuisance Board will hear your appeal to citation

Your hearing will take place at _____
on _____

in the Commission Chambers of City Hall located at 1001 College Street, Bowling Green KY. Failure to appear may result in the Board entering a final order determining that the violation existed and imposing a civil fine up to the maximum set forth in the citation plus administrative costs.

ESTABLISHMENT OF THE CODE ENFORCEMENT BOARD

The Local Government Code Enforcement Board Act (KRS 65.8801 to 65.8839) is the latest and most far-reaching attempt to give Kentucky governments a more effective and less expensive alternative to the state judicial system for ordinance enforcement.

A Code Enforcement Board is an administrative body with quasi judicial powers and functions. This Board is established by City ordinance and has the powers to issue remedial orders and impose fines as a way to enforce local ordinances.

The Code Enforcement Board Act is an additional or supplemental means of obtaining compliance with local government ordinances. It is used to enforce several of the City of Bowling Green ordinances. A city may decide to use the court system to enforce one type of ordinance, while using the Code Enforcement Board to enforce another type of ordinance.

The City of Bowling Green has a five member Code Enforcement Board. The members are appointed by the Mayor and approved by the City Commission. All Board members must be residents of Bowling Green for at least one year and remain residents of Bowling Green throughout their term of appointment.



THE HEARING PROCESS

All testimony is taken under oath and is recorded.

The Board members will take testimony from the issuing officer, alleged offender and any witnesses offered by the citation issuer or alleged violator. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings.

The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed.

If it determines that no violation was committed, an order dismissing the citation shall be entered.

If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by ordinance or requiring the offender to remedy a continuing violation or both.

The Board can also determine that a violation did exist yet based on special circumstances a monetary penalty is not warranted.

The Board can also determine that a violation did exist but based on special circumstances a monetary penalty is not warranted.

The Board can also make other determinations based on compliance with City ordinances and Kentucky Revised Statutes.

Each Board order will be reduced in writing in a format called the Findings of Fact. A copy is furnished to the person named in the citation.

If a respondent does not agree with the final order imposed by the CEB, they may then appeal that order to District Court within 30 days from the date the Findings of Fact is issued. 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.

If no appeal is filed in District Court within the time frame specified above, the Code Enforcement's Board order shall be deemed final for all purposes.



Failure of the alleged offender to appear at the time and place set for the hearing shall be deemed to have waived their right to a hearing and a determination that a violation was committed shall be final.

Please address any questions, comments or concerns to the Code Enforcement Board Clerk at (270) 393-3102 or in writing to:

**Code Enforcement Board Clerk
City of Bowling Green
PO Box 430
Bowling Green KY 42102-0430**

For further information on the City of Bowling Green, Code Enforcement Board or the Code Enforcement Process, please visit our website at www.bgky.org, key words "Code Enforcement."

