



COUNSEL: DAVID BRODERICK

CITY OF BOWLING GREEN  
F O U N D E D 1 7 9 8  
CODE ENFORCEMENT AND NUISANCE BOARD  
(ADOPTED) MINUTES  
CITY HALL COMMISSION CHAMBER  
JULY 22, 2025 4:30 PM

**CALL TO ORDER** – Hearing called to order by Co-Chairman LaPointe at 4:28 PM

**ROLL CALL** – The roll was called for the Board Members

**BOARD MEMBERS PRESENT**- Anthony LaPointe, Ben Bruni, Jose Gonzalez, Jeff Holman, Kenan Mujkanovic

**BOARD MEMBERS ABSENT**- None

**CALL FOR MOTION** – Co-Chairperson Anthony LaPointe asked for motions to elect a Chairperson and a Co-Chairperson.

***Holman made a motion to elect Anthony LaPointe as Chairperson***  
***Gonzalez seconded the motion.***  
***The motion passed with a five to zero vote.***

***ROLL CALL: Yes –Bruni, Gonzalez, Holman, Mujkanovic, LaPointe***  
***No – None.***

***Holman made a motion to elect Ben Bruni as Co-Chairperson***  
***Gonzalez seconded the motion. The motion passed with a five to zero vote.***

***ROLL CALL: Yes –LaPointe, Gonzalez, Holman, Mujkanovic, Bruni***  
***No – None***

**STAFF SWORN IN** – Chairman LaPointe

**STAFF PRESENT** – Brad Schargorodski, Pam Boose, Rachel Danner, Katja Ford, Jessica Farris, Sanja Dudaric, Heather Lashley

**OTHER** - David Broderick

## APPROVAL OF MINUTES – June 24, 2025

*LaPointe made a motion to approve the minutes as written.*

*Holman seconded the motion.*

*The motion passed with a five to zero vote.*

***ROLL CALL:** Yes –LaPointe, Bruni, Gonzalez, Holman, Mujkanovic  
No – None*

## HEARING AGENDA

### ➤ APPEALS

#### **Agenda Item 2025-40 Animal Protection**

Case #2025-5923, Citation #2025-8923

Location: 3333 Lake Shore Drive

Owner: Scott & Danissa Lewis

Respondent: Scott Lewis

Officer: Katja Ford

***Citation Fine: \$80.54***

The respondent did not appear before the Code Board as requested, and is considered as a no show.

*The citation and fine for this case stand as written.*

#### **Agenda Item 2025-41 Animal Protection**

Case #2025-5007, Citation #2025-7621.3

Location: 1631 Pleasant Way

Owner: Jordan E Steff & Bryant Kirby

Respondent: Bryant Kirby

Officer: Jessica Farris

***Citation Fine: \$100.00***

The case is the result of a citizen complaint on 5/30/2025, regarding a neighbor's claim of a bad odor from a large number of chickens, and the resident of the property shooting a skunk and leaving the carcass in the yard. The property was inspected and contact was made with the residents, Mr. Kirby and Ms. Steff who confirmed chickens were in the back yard. While staff was waiting to be given access to the property to inspect the conditions of the chickens and their housing, a rooster was heard crowing. It was believed by staff the rooster was in the back yard of the property. The residents refused staff access to the back yard, stating the chickens were fine. Staff explained the importance of the inspection to check the condition of the chickens. The residents still refused staff access. Staff informed the residents roosters are not permitted in City limits, and any roosters they may have would need to be removed from the premises. The property was inspected the next week, and a Notice of Violation (NOV) was sent to the PVA-listed property owner and address having a violation of roosters on the property listed on the Notice. Mr. Kirby emailed staff, claiming the back portion of his property was not included in the mapping software on the City website. Staff asked Mr. Kirby to confirm his address.

On 6/11/2025, the property was inspected from a neighboring property, since access was granted by a neighbor to enter their property. One rooster and chickens over the limit of five were observed on the property in violation. Documentation of the violation was made with photo and video evidence. A second NOV was sent listing harboring over five chickens, and having roosters. On 6/18/2025, Mr. Kirby sent staff an email contesting the second Notice of Violation. Mr. Kirby claimed his property was protected by the State's Right to Farm Statute. Staff replied to Mr. Kirby to inform him his property is fully within the City limits, not zoned for Agricultural use, and does not meet the acreage requirement to be considered for the Right to Farm legislation. Staff requested he voluntarily remove the rooster and reduce the number of chickens to five, to avoid a citation being issued. On 6/25/2025, the property was inspected and remained in violation. A citation was issued, posted on the property, and mailed to the PVA-listed owner and address.

The Respondent Mr. Kirby, was called to the podium and sworn in.

The respondent provided copies of the Kentucky and Warren County statutes for Right to Farm to the Board. CENB Attorney Broderick asked if the respondent also had a copy of the City Ordinance? The respondent did not. Broderick asked the respondent if he was aware of the restrictions regarding poultry? The respondent replied he was. The respondent stated the State Statute overrides the City Ordinance. Broderick addressed the Chairman stating they are there to enforce the City of Bowling Green ordinances. The respondent stated the City of Bowling Green resides within Warren County and the State of Kentucky and both those statutes override the lower jurisdiction. The respondent stated his property is zoned PUD, and agricultural use is valid in that zoning. LaPointe asked the respondent how many acres is the property? The respondent replied .3 acres. The Code Compliance Division Manager verified from the PVA website the property is 0.21 acres. Broderick informed the Board they would need to know if the property is zoned as residential or agricultural. The respondent stated the property is zoned as PUD which means it's a mixed use, and may be used for anything. Lapointe asked if the property still falls below the five acre requirement? The respondent replied yes, but that does not apply to those statutes. Broderick stated agricultural use is a specific use, and the City of Bowling Green may make ordinances. Broderick continued, saying the Right to Farm act was a good act but pertained more to agricultural lands and places that did not have Planning & Zoning. Planning & Zoning has been in Bowling Green since the sixties. Some may wonder why there would be an ordinance that would not allow crowing animals, but that would be a question for the City Commissioners who instated that law. Holman asked the respondent if he could understand if some residents in the neighborhood may not enjoy listening to the roosters? The respondent stated all his neighbors don't mind, but admitted it may be an option. LaPointe asked if it is the amount of roosters on the property or if none are allowed? The Code Compliance Division Manager replied it is both. He has crowing poultry and over the limit of allowed non-crowing poultry. Holman asked you have more than five chickens, and at least one rooster? The respondent replied yes. Gonzalez stated based on Bowling Green city codes, their hands were tied, they will have to uphold the citation. The respondent may take this to a higher court, but this isn't a court. The Board is here to enforce what is in the City. The respondent did not understand how there can be a City ordinance that is in conflict with a Warren County and State ordinance. Gonzalez explained someone may live in the county and not be under City ordinances, just like there are federal and State laws, things get smaller and smaller and get more detailed, and Gonzalez stated he believed that is the situation here. Bruni explained each smaller localized jurisdiction can place their own restrictions, like an HOA can say if you are going to live in this neighborhood, you agree to this. If you are going to live in the City limits, we have a more restrictive policy than what exists in the County or State. The respondent stated that the statute he presented specifically says if there is an ordinance more restrictive, the statute overrides it. Broderick explained while the arguments the respondent was making are sound, the quotes are from Supreme Court decisions in the Kentucky Court of Appeals. The opinion today is this is a violation of the City Ordinance.



This Board is here to enforce City Ordinances. If this Board rules against the respondent tonight, the respondent has thirty days to appeal the decision to the Warren County District Court, where matters of law may be considered at that time.

There was no further discussion or questions.

*Holman made a motion to uphold the citation and fine of \$100.00.*

*Gonzalez seconded the motion. The motion passed with a five to zero vote.*

*ROLL CALL: Yes –LaPointe, Bruni, Gonzalez, Holman, Mujkanovic*

*No – none*

#### **Agenda Item 2025-42 Code Compliance**

Case #2025-1923, Citation #2025-3081.5

Location: 310 East Main Avenue

Owner: Myles Properties LLC

Respondent: Clay Myles

Officer: Sanja Dudaric

***Citation Fine: \$1,005.54***

This case is the result of a citizen complaint on 10/31/2024. A business reported odors coming from an adjacent restaurant. Staff inspected the property and it was determined a change of use permit should have been obtained prior to the current business operating. The permit was explained to the property owner. The Building Division agreed to postpone immediate action since staff were informed the restaurant planned to vacate the premises in February 2025. Another complaint was received 3/12/2025, the odor remained as the restaurant had not moved out. An inspection was made and the following violations were observed; interior surfaced not maintained, mold-like substance and nauseous odors. A Notice of Violation (NOV) was sent to the PVA-listed owner and address. Photos were shown of the mold-like substance. The property was inspected on 3/25/2025, and remained in violation. A citation was issued, posted on the property and mailed to the PVA-listed owner and address. The violations listed were change of use permit required, mold-like substance, and nauseous odor. The owner contacted staff on 3/26/2025, stating arrangements were made to have the mold-like substance inspected and provide a report, and a change of use permit will be applied for on 4/7/2025. On 4/8/2025, change of use and electrical permits were applied for, but held up by the Finance Department for outstanding financial issues. According to the Finance Department, the owner told Finance a change of use permit was not required. On 5/2/2025, the City's Chief Building Inspector stated a change of use permit is required. Staff explained to the owner the permit was required, and to avoid further fines, the owner needed to contact the City Treasury Department to clear up any financial obligations that may be preventing the permits from being issued. On 5/9/2025 the owner contacted staff advising of work being conducted with a bank to resolve the financial issues so the permits may be issued. On 5/22/2025, the property remained in violation. A text message was sent by staff to the owner but there was no response. Staff spoke with the complainant. The complainant stated the lease had been broken and the business was moving out, and they were told a tattoo shop would be moving in. A citation was issued, posted on the property, and mailed to the PVA listed owner and address. On 6/24/2025 the property owner satisfied the financial obligations and the permits could be issued. The change of use permit was obtained but no work has been completed and the Building Division has not had any contact with the owner. A mold inspection report was received by staff. No steps have been taken to eliminate the odor and the case has been open for 132 days.

The owner/respondent Clay Myles was sworn in.

The respondent stated it is all being taken care of but it is a tenant situation. The respondent stated they are just now able to get into the space to take care of the odor issue. LaPointe asked how did the mold report come back? The respondent stated the report was fine. LaPointe asked what steps will be taken for compliance? The respondent stated the G Dogs side received all permits when it opened and they purchased the building after that. The respondent stated so now the change of use permit falls onto us, which has been applied for. The respondent stated now there is no longer a salon next door so there really is no violation in place. A tattoo shop may be next to a restaurant legally. The respondent said Scott Hunt the Building Manager told him what needed to be done, so they are going to take care of it. Sanja Dudaric stated the change of use permit is needed because the business was only allowed to run as a mercantile. If any other business were to come in a change of use permit is needed to satisfy use at that building. Holman asked if the business is in compliance? Sanja Dudaric replied no. Dudaric explained there is an opening at the top of a wall in the back of the building that is between the two businesses. This would need to be fixed so there is not a transfer of odors between the businesses. The Division Manager explained that is part of the point of a change of use permit to ensure problems like what is being discussing doesn't occur. If a tattoo shop were to move in and the restaurant is still there, the restaurant has specific ventilation requirements they must meet. If the business was intended to be used as a mercantile, meaning it has dry shelves, dry goods, and people come into pay for items and then walk out. If the business is not cooking food, doing hair, or nails that would be ok. Once those things change, an inspection must take place to ensure the new business is up to code. That is where a Building Inspector would come in to determine if there is proper ventilation and the wall goes up to the ceiling. The respondent stated he spoke with Scott Hunt, the Building Division Manager and it's a simple fix. In the back of the building foam needs to be installed at the ceiling to close in the opening. Holman commented it has been 132 days when it was brought to the attention of the respondent, yet it has not been completed. The respondent stated the tenant was hostile, not wanting the owner to enter the premises, but now they are gone and the repairs can take place. There was no further discussion or questions

*Holman made a motion to uphold the citation and fine of \$100.00.*

*Gonzalez seconded the motion. The motion passed with a five to zero vote.*

*ROLL CALL: Yes –LaPointe, Bruni, Gonzalez, Holman, Mujkanovic*  
*No – none*

➤ OLD BUSINESS – None.

➤ NEW BUSINESS

**Agenda Item 2025-43 Code Compliance**

Case # 2024-9792

Location: 2521 Smallhouse Road

Owner: Angela Brian

Officer: Heather Lashley

*Request Authorization for Per-Day Fine Citation*



This case is the result of a citizen complaint on 11/14/2024. A Notice of Violation (NOV) was sent on 11/18/2024. Citations were issued on 1/29/2025, 2/28/2025, and 3/12/2025. Violations listed were as follows; unlicensed, inoperable vehicle, duty of maintenance of private property, protective treatment, junk/scrap metal, accumulation of construction/demolition/landscape debris, exterior use of indoor furniture, scattered and accumulation of garbage. The case was heard by the board in April 2025 to request authorization to issue a per-day fine. The per-day fine citation was issued and posted on 5/6/2025. This Board authorized a per-day fine citation for this same property for Planning & Zoning, and this case has been open for 251 days. Staff is requesting authorization is issue a second per-day fine.

There was no further discussion or questions.

*Holman made a motion to approve a per-day fine to run for sixty day or until the property is brought to compliance.*

*LaPointe seconded the motion. The motion passed with a five to zero vote.*

*ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe*  
*No – none*

#### **Agenda Item 2025-44 Code Compliance**

Case # 2024-0449

Location: 0 Smallhouse Road

Owner: Angela Brian

Officer: Heather Lashley

#### ***Request Authorization for Per-Day Fine Citation***

This property is right next to the property in the previous case. The case is the result of a proactive inspection on 1/25/2024. A Notice of Violation (NOV) was sent to the PVA-listed owner and address. Citations were issued on 1/29/2025, 2/28/2025, and 3/12/2025. Violations listed were as follows; glazing, protective treatment, duty of maintenance of private property, protective treatment, junk/scrap metal, accumulation of construction/demolition/landscape debris, scattered and accumulation of garbage and tires. The case was heard by the board in April 2025 to request authorization to issue a per-day fine. The per-day fine citation was issued and posted on 5/6/2025. This Board authorized a per-day fine citation for this same property for Planning & Zoning, and this case has been open for 544 days. Staff is requesting authorization is issue a second per-day fine. There was no further discussion or questions.

*Mujkanovic made a motion to approve a per-day fine to run for sixty day or until the property is brought to compliance.*

*Gonzalez seconded the motion. The motion passed with a five to zero vote.*

*ROLL CALL: Yes –LaPointe, Bruni, Gonzalez, Holman, Mujkanovic*  
*No – none*

➤ COMMENTS / ANNOUNCEMENTS

Public comments were taken at 5:10 PM.

Lynn Hartley was invited to the podium and sworn in.

Mr. Hartley stated he wanted to comment on the first case (agenda item #2025-40), even though the owner did not appear for the hearing. Mr. Hartley stated there were two other neighbors that planned to come, but once they found out the appellant would not be in attendance, they decided not to come. Mr. Hartley continued stating between the two neighbors and himself they would all like to see the offending dog disappear. Mr. Hartley stated his property borders the Cemetery property as well where this recent incident took place. Mr. Hartley said he was aware of five previous incidents involving the same dog over the last two years. He claimed four of those incidents were on file with Animal Protection. Mr. Hartley continued to explain three of the five incidents involved the same dog attacking his next door neighbor's dog. Mr. Hartley said he witnessed one of those attacks and it was vicious. That attack did not end until Scott (the owner of the attacking dog) came and dragged the dog off the property. Mr. Hartley continued relating a separate incident. Mr. Hartley was in his back yard and heard someone yelling for help. He ran to the front yard and stated the offending dog had escaped through a screened window and attacked a neighbor who was out walking his dog. Mr. Hartley said upon his arrival he noticed the neighbor's dog had been bitten several times and the man walking the dog had blood on his arms and legs. The neighbor said he was not bitten, but the attacking dog had knocked him down. Mr. Hartley called Animal Control at that point and the neighbor spoke to them when they arrived. Mr. Hartley stated the frustrating part is supposedly the City cannot do anything unless a person is bitten. That information was passed along by a neighbor, so Mr. Hartley said perhaps it was a misunderstanding. Mr. Hartley said he retired from the City and understands staff has to work within the limits and the red tape. Mr. Hartley said he wanted to bring awareness to the frustration of the neighbors after all the incidents with this dog and only a \$80 fine is the result. Neighbors are in fear of this dog. Mr. Hartley said his wife now carries pepper spray with her on her walks. Mr. Hartley said there is no reason to believe Scott intentionally lets the dog out. The dog has escaped from a fenced yard, a tether on a stake, from inside the house, and at one time from a leash. The dog is powerful and if it wants to get away, it will. Mr. Hartley stated that from a neighbor's perspective, a fine is woefully inadequate according to the incidents that have occurred and will occur again. Mr. Hartley stated by the City's own definition, this is a vicious and dangerous animal. So the policy has plenty there to enforce, he just asks it be enforced. According to Mr. Hartley, the owner of the dog has a handicap son who is not able to control the dog, but does walk him daily. Mr. Hartley's concern is this will not stop unless the City intervenes.

*LaPointe made a motion to go into closed session at 5:18 PM*

*Holman seconded the motion.*

*ROLL CALL: Yes: LaPointe, Bruni, Gonzalez, Holman, Mujkanovic*  
*No: None*

*Return from closed session at 5:30 PM*

The next scheduled hearing for the CENB will be Tuesday, August 26, 2025, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.



➤ ADJOURNMENT –

*LaPointe made a motion to adjourn the hearing at 5:35 PM.  
Holman seconded the motion.*

*ROLL CALL: Yes: LaPointe, Bruni, Gonzalez, Holman, Mujkanovic  
No: None*

ADOPTED: August 26, 2025  
Date

*B. R. Bruni*

APPROVED: \_\_\_\_\_  
Code Enforcement and Nuisance Board Co-Chairperson

ATTEST: *Pamela Boone*  
Code Enforcement and Nuisance Board Clerk