

ORDINANCE NO. BG2011 - 6

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 27
(PROPERTY CODE) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES TO ESTABLISH
REPEAT OFFENDER POLICIES

WHEREAS, the City of Bowling Green has adopted the International Property Maintenance Code and other regulations regarding the duty to maintain public and private properties; and,

WHEREAS, the City continually tries to improve on its enforcement of code violations; and,

WHEREAS, most property owners voluntarily comply with the Code provisions and other regulations and most also comply with remediation requests from the City's code enforcement staff; and,

WHEREAS, some owners, however, continue to violate the property maintenance codes and it is in the best interest of the City to establish additional regulations for those repeat violators.

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

1. Chapter 27 (Property Code) is hereby amended to add the following:

27-1 GENERAL PROVISIONS.

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27-1.03 Definitions.

"Code Enforcement Board" shall mean the administrative body created in Chapter 2 of this Code of Ordinances.

"Code Official" shall mean have the same meaning as a code enforcement officer as set forth in Subchapter 2-23.

"Notice of Violation" shall mean written notification to a person violating a specified City ordinance providing the violator with an opportunity to cure the violation.

"Repeat Offender" shall mean a person violating the provisions of Subsections 27-4

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(Property Maintenance Code), 27-5 (Amendments to Property Maintenance Code) and / or 27-6 (Nuisances) set out hereinbelow who: (a) has been issued the fourth (4th) citation for any violations of the subsections listed above involving any of the person's properties within a two (2) year period; (b) has been issued the third (3rd) citation for the same violation involving any of the person's properties within a twelve (12) month period; or (c) has been issued a second (2nd) citation for any violation of the subsections above involving any of the person's properties within a two (2) year period and the previous citation involves fines or remedy charges that remain unpaid. Only those citations that are final orders from the Code Enforcement Board with all appeals concluded shall be counted and the time periods shall commence from the date of the order of the Code Enforcement Board.

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27-9 REPEAT OFFENDER.

27-9.01 Designation.

A person shall be classified as a repeat offender only by the recommendation of the code enforcement staff and action by the Code Enforcement Board. The code enforcement staff shall recommend that a person be classified as a repeat offender with no less than fourteen (14) days notice to that person prior to the next Code Enforcement Board meeting. That person may appear at the Board meeting to contest the recommendation. The repeat offender designation shall be determined at the sole discretion of the Code Enforcement Board. Any person designated as a repeat offender shall remain in that status until the expiration of the time period leading to the designation or the payment of outstanding fines and remedy charges, whichever is applicable.

27-9.02 Enforcement.

In addition to all of the procedures set forth above, enforcement action shall be enhanced against designated repeat offenders. No personal contact or notices of violation shall be required of the code enforcement staff and the staff may cite designated repeat offenders immediately upon

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confirmation of a code violation. The code enforcement staff may also institute a program of regular inspections involving properties of repeat offenders without the necessity of complaints. The names of designated repeat offenders may be made public by use of the City's website or other appropriate means.

27-9.03 Penalties.

If a designated repeat offender is cited for a violation of the provisions of Subsections 27-4 (Property Maintenance Code), 27-5 (Amendments to Property Maintenance Code) and / or 27-6 (Nuisances) set out hereinabove and the citation is not contested, a maximum fine of six hundred (\$600) dollars shall apply; however, the Code Enforcement Board may waive any or all of that fine for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with this Chapter. If the designated repeat offender contests the citation and a hearing before the Board is required, the Board may impose a maximum fine of one thousand two hundred (\$1,200) dollars at the discretion of the Board. The Code Enforcement Board may also classify all such civil fines as daily fines until the violation is remedied. The Code Enforcement Board findings that assess the civil fines and remedy charges against repeat offenders shall also authorize the City to file civil actions in the appropriate Warren County court against the repeat offender to collect the civil fines and remedy charges, including foreclosure actions if deemed appropriate by the City.

27-910 ENFORCEMENT.

The International Property Maintenance Code is amended to provide that this Chapter shall be enforced by any code official or code enforcement officer designated by the City Manager.

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

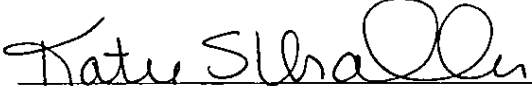
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conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on February 15, 2011, and given final reading on March 1, 2011, and said Ordinance shall be in full force and effect on July 1, 2011, and upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: March 1, 2011

APPROVED: 
Mayor Pro Tem, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Brian "Slim" Nash, Commissioner, 01/26/2011, 9:40 a.m.
Ordinance No. BG2011-6 was withdrawn from the February 1, 2011 Board of Commissioners meeting. Re-filed 02/09/2011, 8:30 a.m.