

ORDINANCE NO. BG2017 - 37

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2  
(ADMINISTRATION) OF THE CITY OF BOWLING  
GREEN CODE OF ORDINANCES TO COMPLY  
WITH AMENDED STATUTORY CHANGES  
RELATED TO CODE ENFORCEMENT

WHEREAS, House Bill 318 was passed during the 2017 Session of the Kentucky General Assembly, which amended statutes relating to local code enforcement board procedures; and,

WHEREAS, the provisions of House Bill 318 necessitates amendments to the applicable provisions of the City of Bowling Green Code of Ordinances; and,

WHEREAS, it is in the best interests of the City to amend Chapter 2 (Administration) to bring the language into compliance with current state law.

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

1. Chapter 2 (Administration), Subchapter 2-23 (City of Bowling Green Code Enforcement and Nuisance Board) is hereby amended as follows:

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2-23.09 Enforcement Proceedings.

The following requirements shall govern all enforcement proceedings before the Board:

a. Enforcement proceedings before the Board shall be initiated by the issuance of a citation by a Code Enforcement Officer.

b. Except as provided below, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated a City ordinance, he is authorized to issue a citation to the violator. In lieu of a citation, the Code Enforcement Officer may give the violator a notice that a violation has occurred and allow the violator a specified period of time to remedy the violation without fine. The time allowed by the Code Enforcement Officer shall depend on the nature of the

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violation and the time necessary to remedy the violation. If the violator fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation. Informal settlement of matters is encouraged.

c. The notice of violation or citation shall be in writing and shall be reasonably calculated to inform the violator of the nature of the violation. The notice of violation shall be delivered to the violator by any method chosen by the Code Enforcement Officer. The citation shall be delivered to the violator: (1) by personal delivery[;]; (2) by leaving a copy of the citation with any person who is eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued[;]; (3) by mailing a copy of the citation by regular first-class mail to the last known recorded mailing address of the alleged violator; or (4) if in the exercise of reasonable diligence, the issuance of a citation using the methods set out above is not possible, then the citation is properly served by posting a copy of the citation in a conspicuous place on the premises [~~and mailing a copy of the citation by regular, first class mail to the owner of record of the property if no one is on the premises at the time the citation is issued~~]. When the violation involves a fire damaged structure, a copy of the notice of violation or citation shall also be delivered to any mortgage company, lien holder and any insurance company with verified interest in the property. Every reasonable attempt shall be made to determine all verified interest. After issuing a citation, the Code Enforcement Officer shall deliver a copy of the citation to the person designated by the Board.

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2-23.14 Lienholder Notification System.

The City shall obtain and maintain priority over previously filed liens, as provided in the previous Section, in accordance with the following provisions:

a. Individuals and entities, including but not limited to lienholders, may register with the City to receive electronic notification of final orders entered pursuant to this Subchapter.

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b. In order to receive the notification, the registrant shall submit the following information to the code enforcement staff:

1. Name;
2. Mailing address;
3. Phone number; and
4. Electronic mailing address.

c. A registrant may use the electronic form provided on the City Web site to submit the information required in this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with the City. The City shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

d. No less than once a month but no more frequently than once per week, the City shall send electronic mail notification of all final orders entered pursuant to this Section since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to the City code enforcement database located on the City Web site. The database shall include the following information regarding each final order:

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred if, in the exercise of reasonable diligence, it is ascertainable;
4. A copy of the full citation;
5. A copy of the full final order; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

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e. If an appeal is filed on a final order pursuant to this Subchapter, the City shall send electronic mail notification to all registrants.

f. At the same time the electronic notification required by this Section is sent [~~Within ten (10) days of the issuance of a final order pursuant to this Subchapter~~], the City shall update its code enforcement database to reflect the issued final order and shall post the notification required by this Section containing an updated link to the code enforcement database on the City Web site.

g. The City shall maintain the records created under this Section for ten (10) years following their issuance.

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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 conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on August 1, 2017, and given final reading on August 15, 2017, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: August 15, 2017

APPROVED: Bruce Wilkerson  
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schallert Ward  
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 07/25/2017, 3:30 p.m.