



CODE OF ORDINANCE ENFORCEMENT BOARD  
CITY OF HOPKINSVILLE, KENTUCKY

UNIFORM CODE CITATION

Citation # CASE-5-17-1-19154

**THE UNDERSIGNED CODE OF ORDINANCE ENFORCEMENT OFFICER OF THE CITY OF HOPKINSVILLE CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT ON:**

**DATE: 5/25/2017 12:13:50PM**

**THE FOLLOWING PERSON:**

Name: LEO N. DEPALMA & NICASIO SHALOM

Street Address: 503 RIVERWOOD DR

City: HOPKINSVILLE State: KY ZIP: 42240

Telephone #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Race: \_\_\_\_\_ Sex \_\_\_\_\_

**IDENTIFICATION: Driver's License, Social Security, or Other:**

State: \_\_\_\_\_ Type of Identification: \_\_\_\_\_

Vehicle Make/Type (if applicable): \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

Vehicle License #: \_\_\_\_\_

**DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE:**

Ordinance/Code #: 93.03

Description of Violation: OVERGROWN

Location of Violation: 135 KENTUCKY AV

Offense: **CH 93.03 FIRST OFFENSE**

**NOTICE**

This citation is issued pursuant to KRS 65.8801 et. seq. and Chapter 33.180 of the City of Hopkinsville Code of Ordinances. The violation with which you have been charged is a civil offense.

If you choose not to contest the citation and pay the penalty to the City within seven (7) days, the fine for this offense is a minimum of \$200 or \$10 per acre, whichever is greater, not to exceed \$300. Failure to pay within seven (7) days will result in the addition of a \$50.00 administrative fee. All acreage calculations shall be based on PVA records.

If you choose to contest the citation and request a hearing before the Code of Ordinance Enforcement Board, the maximum penalty that may be imposed for this violation is \$400.00. In addition to the fine imposed by the Board, a \$50.00 administrative fee will be assessed.

Failure to pay the applicable civil penalty or request a hearing, in writing, from the Code of Ordinance Enforcement Board within seven (7) days of the issuance of this citation shall constitute a waiver of your right to contest the citation and the determination that a violation was committed shall be final and nonappealable.

Signature of Individual: \_\_\_\_\_

Date and Time of Issuance: 6/1/17 - 9:39 AM

Signature of Issuing Code Enforcement Officer: Mike Guess

Print Name: MIKE GUESS

For further information regarding this matter, you may contact the Community and Development Services at (270) 887-4285 during normal business hours.

Pursuant to KRS 65.8838 the City is not prohibited from taking immediate action to remedy a violation of its ordinances if there is reason to believe the violation presents a serious threat to public health, safety, and welfare, or if in the absence of immediate action, the effects will be irreparable or irreversible. In this event, the City will charge the property owner to cover the City's expenses. This is above and beyond possible fines imposed by the Code of Ordinance Enforcement Board.

**CODE OF ORDINANCE ENFORCEMENT BOARD  
CITY OF HOPKINSVILLE, KENTUCKY**

**Important Instructions**

The issuance of the attached citation means that you have been charged with a civil offense which requires you to comply with one of the following options:

**OPTION #1:**

You may decide not to contest the citation and pay the civil penalty indicated in the NOTICE portion of the citation form by mail, or in person, within seven (7) days from the date of issuance.

A. If paying by mail, you must send a cashier's check, money order, or personal check. Please do not send a cash payment! Checks must be made payable to: City of Hopkinsville. You may mail the amount of the fine indicated on the citation, along with a copy of your citation to:

City of Hopkinsville  
Tax Office  
P.O. Box 707  
Hopkinsville, KY 42241-0707

B. If you decide to make payment in person, you may do so between the hours of 8:00 a.m.-12:00 p.m. and 1:00 p.m.-4:30 p.m., Monday through Friday, at the following location:

City of Hopkinsville, Tax Office  
Hopkinsville Municipal Center  
715 South Virginia Street  
Hopkinsville, KY 42240

**OPTION #2:**

If you disagree with the citation and wish to have a hearing, you may request a hearing before the City of Hopkinsville Code of Ordinance Enforcement Board. Your request for a hearing must be in writing and the request must be received by the City Clerk within seven (7) days of the date the citation was issued. You may use the attached form to request a hearing before the Board. The written request for a hearing must be mailed to the following address:

Community and Development Services  
P.O. Box 1125  
Hopkinsville, KY 42241-1125

or personally delivered to the following address:

Community and Development Services  
Hopkinsville Municipal Center  
710 South Main Street  
Hopkinsville, KY 42240

**If you fail to pay the civil penalty or request a hearing within seven (7) days from the date the citation was issued, you will have waived your right to contest this citation and the determination that a violation was committed shall be considered final and nonappealable.**



**CODE OF ORDINANCE ENFORCEMENT BOARD  
CITY OF HOPKINSVILLE, KENTUCKY**

CASE # 5-17-1-19154

CITY OF HOPKINSVILLE, KENTUCKY

Petitioner

v

LEO N. DEPALMA & NICASIO SHALOM

Respondent

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

The Respondent, LEO N. DEPALMA & NICASIO SHALOM, being properly notified of the violation(s) on property located at, 135 KENTUCKY AV, HOPKINSVILLE, KY 42240, and failing to exercise his/her rights as contained in section KRS 65.8825(6), Findings of Fact, Conclusions of Law and Final Order are issued as follows:

**FINDINGS OF FACT**

The Respondent, LEO N. DEPALMA & NICASIO SHALOM is the owner or person in charge of property located at 135 KENTUCKY AV, HOPKINSVILLE, KY 42240.

The Respondent was issued a citation by MIKE GUESS, Code Enforcement Officer, dated June 1, 2017 which charged the Respondent with a violation of Chapter 93.03 of the City of Hopkinsville, Kentucky Code of Ordinances, described as follows: Overgrown.

The Respondent failed to respond to said citation within seven (7) days as required by KRS 65.8825(6) and the Hopkinsville Code of Ordinances, Chapter 133.188(F).

It is found that the condition described in the citation did, in fact, exist at the time the citation was issued, and that the condition was caused by the Respondent, or was the responsibility of the Respondent, as owner or person in charge of the property on which the violation occurred.

**CONCLUSIONS OF LAW**

It is concluded, based on the foregoing Findings of Fact, that Respondent, LEO N. DEPALMA & NICASIO SHALOM has committed a violation of Chapter 93.03 of the City of Hopkinsville, Kentucky Code of Ordinances, as charged in the citation.

**FINAL ORDER**

Respondent, LEO N. DEPALMA & NICASIO SHALOM, is ordered to pay \$250.00, which includes the \$200.00 civil fine set forth in the citation and a \$50.00 administrative fee. Payment shall be made to City of Hopkinsville, c/o Tax Office, 715 South Virginia Street, P.O. Box 707, Hopkinsville, KY 42240.

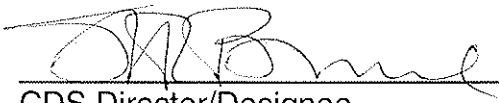
In the event this violation has not been remedied, the City of Hopkinsville may take action to remedy the violation. If the City remedies the violation, the property owner will be charged for all expenses incurred in addition to the civil fine set forth in this Order.

DONE AND ORDERED THIS 11<sup>th</sup> day of July, 2017.

CODE OF ORDINANCE ENFORCEMENT BOARD  
HOPKINSVILLE, KENTUCKY

By:   
Chairman, Code of Ordinance Enforcement Board

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Final Order has been served on the Respondent, LEO N. DEPALMA & NICASIO SHALOM, pursuant to Chapter 33.188(G) of the Hopkinsville Code of Ordinance, on this the 12 day of July, 2017.

  
CDS Director/Designee