

82.620 Contest of violation determination -- Hearing -- Appeal.

- (1) Any person cited for a parking violation under KRS 82.610 may contest the determination that a violation occurred by requesting in writing a hearing before the hearing board. Such hearing shall be held no later than fourteen (14) days from the date of receipt of the request, unless prior to the hearing the person requesting such hearing requests an extension of time not to exceed fourteen (14) days. No less than seven (7) days prior to the date set for the hearing, the board shall notify the registered owner of the vehicle of the date, time and place of the hearing. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have refused to pay the fine levied by the citation.
- (2) At the hearing, after consideration of the evidence, the board shall determine whether a violation was committed. Where it has not been established that the violation was committed, an order dismissing the citation shall be entered. Where it has been established that a violation was committed, the board shall uphold the citation and order the owner to pay the citation within seven (7) days. A copy of such order shall be furnished the owner. Any person ordered to pay the fine who fails to do so within seven (7) days shall be deemed to have refused to pay the fine levied by the citation.
- (3) The board may consider the parking citation and any other written report made under oath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.
- (4) An appeal from the hearing board's determination may be made to the District Court of the county in which the city is located within seven (7) days of the board's determination. 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. The action shall be tried de novo and the burden shall be upon the local government to establish that a violation occurred. If the court finds that a violation occurred, the owner shall be ordered to pay to the local government all fines, fees and penalties occurring as of the date of the judgment. If the court finds that a violation did not occur, the local government shall be ordered to dismiss the citation and the plaintiff shall be authorized to recover his costs.
- (5) The judgment of the District Court may be appealed to the Circuit Court in accordance with the Rules of Civil Procedure.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 416, sec. 5, effective July 13, 1984.