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## Hopkinsville, KY Code of Ordinances

## CHAPTER 163: BASIC PROPERTY MAINTENANCE CODE

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## Appendix A: Basic Property Maintenance Code

### § 163.01 ESTABLISHMENT.

- (A) This chapter shall be known and may be cited as the “Property Maintenance Code”.
- (B) This chapter shall apply to every building, structure or appurtenance connected or attached to such building or structure within the city.
- (C) In any case where a provision of this chapter is found to be in conflict with any existing code, ordinance or regulation of the city, the provision which establishes the higher standard shall prevail, except for the provisions of the Kentucky Building Code and Kentucky Residential Code.
- (D) *Responsibility.* It shall be the responsibility of all owners to maintain their real estate in a manner consistent with the standards and definitions provided in this chapter and to ensure that their real estate is properly maintained in such a manner to prevent it from being declared a nuisance.
- (E) *Prohibitions.* The following actions are prohibited and considered unlawful within the city.
- (1) It shall be unlawful for an owner to permit any structure upon his or her premises to become unfit for human habitation, occupancy, or use or to permit conditions to exist on the structure or premises which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures, or other residents of the city.
- (2) It shall be unlawful for the owner of any real estate to permit a public nuisance, health hazard or source of filth to develop thereon.
- (3) It shall be unlawful for any person to interfere with, harass or otherwise impede an authorized agent or officer of the city when such agent or officer is inspecting real estate, investigating possible violations or otherwise enforcing this chapter.

(Ord. 25-2006, passed 7-11-2006; Ord. 22-2017, passed 12-19-2017)

### § 163.02 BUILDING OFFICIAL.

- (A) The administration of this chapter shall be the responsibility of the Hopkinsville Christian County Planning Commission in close cooperation with the Fire Department, the county's Health Department

and other officials and agencies. The Commission may seek written opinions concerning the conditions of dwellings or other buildings.

(B) Hopkinsville-Christian County Planning Commission, commissioners, employees or agents shall be free from personal liability for acts done in good faith in the performance of official duties.

(C) Hopkinsville-Christian County Planning Commission, commissioners, employees or agents shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building, except where he or she is the owner and shall not act as an agent for real estate sales, leases or rentals.

(D) (1) The Hopkinsville-Christian County Planning Commission is authorized to conduct surveys and make inspections in any area of the community to determine compliance with this chapter or other ordinances the Commission is empowered to enforce.

(2) The Hopkinsville-Christian County Planning Commission shall investigate all complaints whether they be verbal, written or in the form of a petition alleging or charging a violation of this chapter exists or a building or dwelling is unfit or unsafe for human habitation or other occupancy.

(3) For the purpose of making such surveys, inspections and investigations, any code enforcement officer is authorized, upon providing identification and statement of purpose, to enter, inspect, survey and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant, all buildings, dwellings, dwelling units, rooming units and general premises. Any code enforcement officer shall be allowed to enter any structure which is open to the public and meets the definition of unsafe structure for the enforcement of this chapter.

(E) The Hopkinsville-Christian County Planning Commission shall keep records of all complaints received, right of entry forms, inspection reports, orders and complaints issued and of all other actions taken. The records shall be available for public inspection. The Commission shall prepare an annual report including statistics based on the records kept.

(Ord. 25-2006, passed 7-11-2006; Ord. 22-2017, passed 12-19-2017)

### **§ 163.03 PROPERTY MAINTENANCE CODE ADOPTED.**

(A) The Basic Property Maintenance Code (hereinafter the "Property Maintenance Code" or "this Code") shall apply to the maintenance of any and all buildings and structures in the city.

(B) Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, Kentucky Plumbing Code, Kentucky Mechanical Code, Kentucky Standards of Safety, National Fire Code and the National Electrical Code, as well as any other codes adopted by the Commonwealth of Kentucky now and in the future. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance for the City of Hopkinsville, Kentucky.

(Ord. 25-2006, passed 7-11-2006; Ord. 22-2017, passed 12-19-2017)

### **§ 163.04 RETALIATORY CONDUCT PROHIBITED.**

(A) It shall be unlawful for a landlord to retaliate by increasing rent or decreasing services or by bringing or threatening to bring an action for possession after the tenant has made a good faith complaint to a Code Enforcement Officer or other governmental agency of a violation of this chapter applicable to the rented premises. In order to qualify as a good faith complaint pursuant to this section, said complaint shall be communicated by the tenant to the landlord in writing prior to filing said complaint with a Code Enforcement Officer or other governmental agency, and said complaint results in a Notice of Violation.

(B) If a landlord is in violation of division (A) of this section, the tenant may recover possession or terminate the rental agreement and, in either case, recover an amount not less than \$150 and not more than \$900. If the rental agreement is terminated, the landlord shall return all prepaid rent. In an action by or against the tenant, evidence of a good faith complaint within six months before the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption of retaliation shall continue for a period of six months after the landlord completes any required repairs pursuant to the Basic Property Maintenance Code and as certified by a code enforcement officer. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. "Presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence. The prevailing party in any action filed pursuant to this section shall be entitled to recovery of reasonable attorney fees not to exceed \$500.

(C) Notwithstanding divisions (A) and (B) of this section, a landlord may bring an action for possession if:

(1) The violation of the applicable Basic Property Maintenance Code was caused primarily by lack of reasonable care by the tenant or other person in his household or upon the premises with his consent; or

(2) The lease has expired on its terms; or

(3) The tenant is in default in rent; or

(4) Compliance with the Basic Property Maintenance Code or any other applicable building or housing code requires alteration, remodeling, or demolition which would effectively deprive the tenant of use of the dwelling unit.

(D) The maintenance of an action under division (C) of this section does not release the landlord from liability under division (B) of this section.

(Ord. 02-2016, passed 2-16-2016)

## **§ 163.99 PENALTY; ENFORCEMENT.**

(A) The provisions of this chapter may be enforced by the Code of Ordinance Enforcement Board established in §§ 33.180 through 33.196, or in the alternative, the Christian County District Court, as a misdemeanor and/or violation. The decision on whether enforcement shall take place with the Code Enforcement Board or the Christian County District Court shall be at the city's discretion.

(B) Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a fine. A first offense under this chapter shall result in a fine of not greater than \$500. A second offense shall result in a fine of not greater than \$750. All other offenses shall result in a fine of not greater than \$1,000. Each day that a violation continues shall constitute a separate offense.

(Ord. 25-2006, passed 7-11-2006; Ord. 22-2017, passed 12-19-2017)

## **APPENDIX A: BASIC PROPERTY MAINTENANCE CODE**

### **CHAPTER 1 ADMINISTRATION**

#### **SECTION 101 GENERAL**

101.1 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of

structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

## **SECTION 102 APPLICABILITY**

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure or changes of occupancy, shall be done in accordance with the procedures and provisions of the Kentucky Building Code and Kentucky Residential Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of Chapter 158 of the Hopkinsville Code of Ordinances.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

## **SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

103.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set forth by the City Council and adopted by Ordinance.

## **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**

104.1 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.2 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.3 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

## **SECTION 105 APPROVAL**

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds the proposed design is satisfactory and complies with the intent of the provisions of this code and the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence a material or method does not conform to the requirements of this code or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **SECTION 106 VIOLATIONS**

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the City of Hopkinsville from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## **SECTION 107 NOTICES AND ORDERS**

107.1 Penalties. Penalties for noncompliance with orders and notices shall be as set forth by City Council and adopted by Ordinance.

107.2 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a final order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the final

order or notice of violation has been complied with to the satisfaction of the Code Enforcement Officer and/or the Code of Ordinance Enforcement Board.

## **SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT**

108.1 General. When a structure or equipment is found by the code official to be unsafe or when a structure is found unfit for human occupancy or unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Standards. The standards attached as Appendix 1 to Appendix A are hereby adopted by reference and shall be the minimum standards for real estate under this chapter.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with the notice requirements of § 33.188 of the Hopkinsville Code of Ordinances. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

## **SECTION 109 EMERGENCY MEASURES**

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.

109.4 Emergency repairs. For purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Code of Ordinance Enforcement Board, be afforded a hearing as described in this code.

## **SECTION 110 DEMOLITION**

110.1 General. The code official and/or the Code of Ordinance Enforcement Board shall order the owner of any premises upon which is located any structure, which in the code official's judgment and/or the finding of the Code of Ordinance Enforcement Board, is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy and such it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with the provision of this Ordinance.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official and/or the Code of Ordinance Enforcement Board shall cause the structure to be demolished and removed, by contract or arrangement with private persons and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Owner consent. After receipt of a citation for an unsafe structure, an owner may elect to execute a consent and waiver form, a copy of which is attached hereto and incorporated herein by reference as Appendix 2 to Appendix A. Upon execution of the consent and waiver form, the city may proceed to remedy the violation through all appropriate means, including the demolition of any unsafe structure, and to file a lien against the real estate as set forth in § 33.193 of the Hopkinsville Code of Ordinances.

## **CHAPTER 2 DEFINITIONS**

### **SECTION 201 GENERAL**

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Kentucky Building Code and Kentucky Residential Code and their related Kentucky codes, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

## **SECTION 202 GENERAL DEFINITIONS**

**ABATEMENT COSTS.** A city’s necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any city ordinance.

**APPROVED.** Approved by the code official.

**BASEMENT.** That portion of a building partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**CITY.** The City of Hopkinsville or its authorized agent.

**CODE ENFORCEMENT BOARD.** An administrative body created and acting under the authority of the Local Government Code Enforcement Act, KRS 65.8801 to 65.8839 and Hopkinsville Code of Ordinances §§ 33.180 through 33.196.

**CODE ENFORCEMENT OFFICER.** A city police officer, safety officer, citation officer or other public law enforcement officer with the authority to issue a citation.

**CONDEMN.** To adjudge unfit for occupancy.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.



**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NUISANCE.** An unsafe structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**REAL ESTATE.** Any structure and the real property on which it is located.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**UNFIT FOR HUMAN OCCUPANCY.** A structure found by the citation officer that is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**UNLAWFUL STRUCTURE.** A structure found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered or occupied contrary to law.

**UNSAFE EQUIPMENT.** Includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**UNSAFE STRUCTURE.** A structure found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**VACANT.** A structure open and accessible to the public.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## **CHAPTER 3 GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner/occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## **SECTION 302 EXTERIOR PROPERTY AREAS**

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Detention and Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8" on improved property, 12" on unimproved property and 24" on agricultural property. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to civil penalties levied by the Code of Ordinance Enforcement Board. Upon failure to comply with the notice of violation, any duly authorized employee of the City of Hopkinsville or contractor hired by the City of Hopkinsville shall be authorized to enter upon the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **SECTION 303 EXTERIOR STRUCTURE**

303.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

303.4 Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

303.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.14 Insect screens. During the period from March 1st to October 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are

processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

303.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

303.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

303.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

303.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

303.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

## **SECTION 304 INTERIOR STRUCTURE**

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

304.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

304.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 305 HANDRAILS AND GUARDRAILS**

305.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building code.

## **SECTION 306 RUBBISH AND GARBAGE**

306.1 Accumulation of rubbish or garbage. All exterior property and premises and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

306.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

306.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish and the owner of the premises shall be responsible for the removal of rubbish.

306.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

306.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

306.3.1 Containers. The operator of every establishment producing garbage shall provide and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **SECTION 307 EXTERMINATION**

307.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

307.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

307.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

307.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

307.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## **CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

## SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner/occupant or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Kentucky Building Code and Kentucky Residential Code shall be permitted.

## SECTION 402 LIGHT

402.1 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.2 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Exceptions: (1) Where specifically approved in writing by the code official. (2) Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions in accordance with the Kentucky Building Code and Kentucky Residential Code.

## SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm). Exceptions: (1) In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height. (2) Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions. (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements: (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3. (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided. (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower. (4) The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate



facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501 GENERAL**

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### **SECTION 502 REQUIRED FACILITIES**

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

### **SECTION 503 TOILET ROOMS**

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **SECTION 504 PLUMBING SYSTEMS AND FIXTURES**

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 505 WATER SYSTEM**

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Kentucky Plumbing Code.

505.2 Contamination. The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **SECTION 506 SANITARY DRAINAGE SYSTEM**

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

# **CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENT**

## **SECTION 601 GENERAL**

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner/occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

## **SECTION 602 HEATING FACILITIES**

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Kentucky Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Exceptions: (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Kentucky Plumbing Code. (2) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from March 1 to October 31 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. Exceptions: (1) Processing, storage and operation areas that require cooling or special temperature conditions. (2) Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

## **SECTION 603 MECHANICAL EQUIPMENT**

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **SECTION 604 ELECTRICAL FACILITIES**

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 605 ELECTRICAL EQUIPMENT**

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires/Light Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire/light fixture.

## **SECTION 607 DUCT SYSTEMS**

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

# **CHAPTER 7 FIRE SAFETY REQUIREMENTS**

## **SECTION 701 GENERAL**

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner/occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

## **SECTION 702 MEANS OF EGRESS**

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Kentucky Fire Prevention

Code.

702.2 Aisles. The required width of aisles in accordance with the Kentucky Fire Prevention Code shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Kentucky Building Code and Kentucky Residential Code.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

### **SECTION 703 FIRE-RESISTANCE RATINGS**

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

### **SECTION 704 FIRE PROTECTION SYSTEMS**

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Kentucky Fire Prevention Code.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations: (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; (2) In each room used for sleeping purposes; (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Kentucky Fire Prevention Code.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate

all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exceptions: (1) Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind. (2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**CHAPTER 8 REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

Kentucky Building Code

Kentucky Fire Prevention Code

Kentucky Residential Code

Kentucky Plumbing Code

Hopkinsville Zoning Ordinance

Electric/Mechanical (As referenced in the Kentucky Building Code and Kentucky Residential Code)

**APPENDIX 1 OF APPENDIX A: MINIMUM STANDARDS CHECKLIST**

**UNSAFE STRUCTURE MINIMUM STANDARDS**

Property Location:

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Owners Name:

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Mailing Address:

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Date Inspected: \_\_\_\_\_ Inspector: \_\_\_\_\_

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**BUILDING EXTERIOR**

|     |    |   |
|-----|----|---|
| Yes | No | 1. Foundation has cracks, or breaks, wood foundation is decaying.   |
| Yes | No | 2. Exterior walls are out of plumb and/or holes exist, and/or siding material is missing and/or structural elements are decaying.             |
| Yes | No | 3. Porches, decks, balconies, columns supporting overhang extensions are missing structural elements and/or structural elements are in decay. |
| Yes | No | 4. Handrails/guardrails are structurally unsound, and/or elements are in decay.   |
| Yes | No | 5. Roof has holes, and/or is sagging, and/or structural elements are in decay.  |
| Yes | No | 6. Chimney has loose bricks and/or is missing mortar.   |
| Yes | No | 7. Windows are broken, and/or window sills/framing are in decay.  |

|     |    |  |
|-----|----|--|
| Yes | No | 8. Doors and windows are not secured and/or do not exist.  |
| Yes | No | 9. Trash, garbage or debris has been allowed to accumulate on the property creating an unsanitary condition. |
| Yes | No | 10. If structure is a mobile home, is not properly anchored or tied down.                                    |

**COMMENTS:**


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**INTERIOR OF STRUCTURE**

|     |    |   |
|-----|----|---|
| Yes | No | 11. Interior of structure is accessible due to open doors, windows or other structural means of ingress.                        |
| Yes | No | 12. Interior walls are not plumb and/or holes exist and/or signs of water damage.   |
| Yes | No | 13. Floors are not solid and/or holes exist and/or areas sag and/or decay is present.   |
| Yes | No | 14. Electrical outlets and switches are broken and/or there is exposed wiring in either walls or ceiling.                       |
| Yes | No | 15. Ceilings are not intact and/or holes, and/or areas sag.   |
| Yes | No | 16. Stairways are unsound and/or there are signs of decay, and/or handrails or guards are not in place or structurally unsound. |

**ELECTRICAL**

|     |    |  |
|-----|----|--|
| Yes | No | 17. Structure has no electric meter.                                   |
| Yes | No | 18. Structure has a fuse Panel or Breaker Box which has open circuits. |

**GAS**

|     |    |  |
|-----|----|--|
| Yes | No | 19. Structure has had gas meter removed. |
|-----|----|--|

**PLUMBING**

|     |    |  |
|-----|----|--|
| Yes | No | 20. Plumbing appears inoperable.                               |
| Yes | No | 21. Plumbing fixtures are not in place and/or no water heater. |

**ACCESSORY STRUCTURE (GARAGE/STORAGE BUILDING)**

|     |    |   |
|-----|----|---|
| Yes | No | Roof structurally unsound and/or roof covering is detached. |
| Yes | No | Walls are not plumb and/or defects are present.             |

**OVERALL CONDITIONS**

|     |    |   |
|-----|----|---|
| Yes | No | The owner has allowed the structure to become a nuisance by allowing the structure to deteriorate and become dilapidated.   |
| Yes | No | Conditions exist with the structure which are dangerous or injurious to the health or safety of the occupants of adjoining properties or other residents of the city. |
| Yes | No | Condition of the structure has worsened since the initial inspection.   |

**COMMENTS:**

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Structures which fail to meet 51% of the 21 applicable items listed would be deemed to have failed to meet minimum standards and would be considered an unsafe structure.

Structures that are inspected which do meet the minimum standards but are in a state of disrepair, shall be listed and the property owner to be notified as to the inspection and results.

**APPENDIX 2 OF APPENDIX A: CONSENT AND RELEASE**

**CONSENT AND RELEASE**

Each of the undersigned designated Owners represent that he/she is an owner of the property described below (hereinafter referred to individually and collectively as the "Owners"). The Owners acknowledge the property is in a poor and unsafe condition; that it is unoccupiable and uninhabitable; that it presents a health hazard and a possible danger to the community.

The Owners unconditionally and irrevocably give permission and consent for the City of Hopkinsville, Kentucky, through its employees, agents, contractors, and volunteers to enter upon the property and to demolish, burn, or remove all structures, debris, trash, rubble, weeds, and other items and plants deemed by the City to be a hazard, nuisance, or an eyesore, and to do and perform all other work which, in the sole discretion of the City is appropriate to improve the current condition of the property.

The City hereby releases the Owners from all personal liability for the costs associated with the above clean-up of the described property. However, the City is hereby authorized to file a lien against the property for the cost of clean-up and any other permitted charges against the property under the applicable ordinance, including but not limited to civil penalties, court costs, and attorney's fees. The Owners acknowledge that while they are not personally liable for these charges, the described property may be sold to pay for the same.

In consideration of the above, the Owners, individually and on behalf of all other owners (if any), fully and unconditionally release and forever discharge the City and its employees, agents, officers, council members, contractors, and volunteers from any and all claims, causes of action, demands and liability of every kind and nature resulting from, arising out of, or in any way related to the property; and the Owners expressly waive and forever abandon all rights to proceed against the City and any of its



employees, agents, officers, council members, contractors, and volunteers for any claim or demand resulting from the work done at the time or in the future.

In addition, the Owners hereby agree to indemnify and to hold harmless the City and other released parties described in the preceding paragraph from any and all claims, including court costs and attorney's fees, incurred to defend any claim asserted by any third party against the City arising out of the matters referred to herein.

Each of the Owners agrees to properly maintain the property hereafter in neat and sanitary condition, keeping it free and clear of all unsafe structures, trash, debris, and tall weeds and grass.

DATED: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.

OWNERS: \_\_\_\_\_

Signature

Signature

\_\_\_\_\_

Print Name

Print Name

\_\_\_\_\_

Street Address

Street Address

\_\_\_\_\_

City, State and Zip

City, State and Zip

Telephone Number: \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_

STATE OF KENTUCKY)

SCT.

CHRISTIAN COUNTY)

Subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

CITY: \_\_\_\_\_

Carter M. Hendricks, Mayor

STATE OF KENTUCKY)

SCT.

CHRISTIAN COUNTY)

Subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

(Ord. 22-2017, passed 12-19-2017)