

Neighborhood & Community Services
Code Enforcement Division
707 E. Main Ave. PO Box 430
Bowling Green, KY 42102-0430



Violation of Bowling Green Code of
Ordinances' Chapter 27, Property Code

CITATION
2018-00000360.3

MYLES PROPERTIES LLC
190 FORDES CROSSING DR
BOWLING GREEN KY 42103

Citation Issued Date: 3/13/2018
Case #: 2018-00000151
Certified Mail #: 7013 0600 0000 6063 8363

Property in Violation: **1151 KENTUCKY ST**

PVA Parcel #: **039A11 077**

Violations: See the attached Inspection Report for the named violations and Titles in Chapter 27, Property Code that have been violated.

Correction Steps: Repair, replace, remove or otherwise correct all items including but not limited to those specifically mentioned in this citation as being in violation of city's ordinances. All vehicles related violations of code title 27-5.03 (a), (b), (c), (d) and (e) must be kept in an approved enclosed building, otherwise remove from premises.

A Code Compliance Re-Inspection will be on **03/23/2018**

Transfer of Property Ownership: International Property Maintenance Code 107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance 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 compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Civil Penalty: \$803.92

Additional Fines and fees: If violation(s) to Chapter 27, Property Code remain on the Property in Violation after the completed Compliance Re-Inspection, additional citations may be issued and those violations will constitute a second or more offense against the Property in Violation. A second offense is double the first offense amount and a third or more offense is doubled from the second offense amount. All fines are subject to a per day fine amount set at the discretion of the Code Enforcement and Nuisance Board. In addition to fines being levied the City may remedy the violations with their own forces if so elected and the cost of that remedy shall be charged against the property owner for collection. All Certified Mail Postage and/or handling fees will be added to this Citation and will be billed to the property owner.

Payment of Fine: If payment of the fine is in person, come to the Treasurer's counter located in the City Annex Building at 1017 College St. If payment is by mail, send to: **City Treasurer, P O Box 1410, Bowling Green KY 42102-1410** Pay online at: <http://www.bgky.org>

All Fines and Fees that are not paid after being approved by the Code Enforcement and Nuisance Board will be subject to a lien being filed on the Property In-Violation.

THE VIOLATOR SHALL RESPOND TO THIS CITATION WITHIN SEVEN (7) DAYS OF THE DATE THE CITATION IS ISSUED BY EITHER PAYING THE CIVIL FINE SET OUT ABOVE OR BY REQUESTING A HEARING BEFORE THE CODE ENFORCEMENT AND NUISANCE BOARD TO CONTEST THE CITATION. IF THE VIOLATOR DOES NOT CONTEST THIS CITATION WITHIN SEVEN (7) DAYS OF THE DATE THE CITATION IS ISSUED, THE VIOLATOR SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO A HEARING AND THE DETERMINATION THAT A VIOLATION WAS COMMITTED SHALL BE CONSIDERED FINAL. IN THIS EVENT, THIS CITATION AS ISSUED SHALL BE DEEMED A FINAL ORDER DETERMINING THAT THE VIOLATION(S) SET OUT IN THIS CITATION WAS COMMITTED AND IMPOSING THE CIVIL FINE SET OUT ABOVE AND THE VIOLATOR SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO APPEAL THE FINAL ORDER TO DISTRICT COURT. IF YOU CONTEST OR APPEAL THIS CITATION, THE CODE ENFORCEMENT AND NUISANCE BOARD HAS THE DISCRETION TO DOUBLE THE CIVIL FINE SET OUT ABOVE, TO IMPOSE A PER DAY FINE FROM THE DATE OF THE CITATION AND TO IMPOSE OTHER REMEDY FINDINGS IF THE BOARD UPHOLDS THE CITATION.

Any request for a hearing contesting the citation shall be in writing giving the reason for the appeal to the Code Enforcement and Nuisance Board using the Appeal form attached to this citation. All requests for hearings shall be mailed to the City of Bowling Green, CENB Clerk, P.O. Box 430, Bowling Green KY 42102-0430. For additional information on appeals, please call: (270) 393-3102. If you request a hearing to contest the citation, do not pay the civil fine set out in this citation until the Code Enforcement and Nuisance Board has rendered a decision on your appeal.

Inspected Address: 1151 KENTUCKY ST

Case #: 2018-00000151

Primary Owner: MYLES PROPERTIES LLC
Mailing Address: 190 FORDES CROSSING DR
BOWLING GREEN KY 421038100

Inspector's Findings: Code Enforcement 2018-00000360.3

3/13/2018 9:00:00 AM

The inspection made at this property revealed the following violations to the Code of Ordinances:

Dangerous Building

*** Structure Unfit for Human Occupancy**

Inspector's Comments: Apartment #3 at this location has been found to be unfit for human habitation after a complaint based inspection. The unit lacks sanitary facilities and other essential equipment as required by this code, and clearly constitutes a hazard to the occupants of the structure. The property owner was notified by phone of these deficiencies and given an opportunity to correct them for the safety and benefit of the occupant(s) and to avoid condemnation of the unit. The property owner declined to make such corrections and stated that he agreed the unit should be condemned.

IPMC 1.2.108.1.3 - A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, 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.

*** Unfit for Human Habitation**

Inspector's Comments: Apartment #3 at this location has been found to be unfit for human habitation after a complaint based inspection. The unit utterly fails to provide the amenities essential to decent living.

BGKY C27 27.5.02.a.2 - An unsafe / problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to the definition in the International Property Maintenance Code, as well as the following:

A building that has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease or injury to health, safety or general welfare of those living therein;

C27.5.02.a.b Compliance Time Period

When an unsafe / problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the condemnation, fire, or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

C27.5.02.a.c Failure to Comply

Failure of the property owner to obtain the required permit(s) in the specified time and/or to keep the structure closed and secured from entry shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the unsafe / problem structure.

* Inadequate Light/Air/Sanitation Facilities

Inspector's Comments: Apartment #3 at this location has been found to be unfit for human habitation after a complaint based inspection. The unit has sanitation facilities that are inadequate to protect the health, safety or general welfare of the human beings who live or may live therein.

BGKY C27 27.5.02.a.3 - An unsafe / problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to the definition in the International Property Maintenance Code, as well as the following:

A building having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;

C27.5.02.a.b Compliance Time Period

When an unsafe / problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the condemnation, fire, or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

C27.5.02.a.c Failure to Comply

Failure of the property owner to obtain the required permit(s) in the specified time and/or to keep the structure closed and secured from entry shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the unsafe / problem structure.

* Vacant Building Not Secured

Inspector's Comments: Apartment #3 at this location is vacant and unsecured.

BGKY C27 27.5.02.a.6 - An unsafe / problem structure is defined as a building or other structure that poses a nuisance or danger to the public, police department or fire department and includes, but is not limited to the definition in the International Property Maintenance Code, as well as the following:

Any vacant building or structure not secured from entry or the elements.

C27.5.02.a.b Compliance Time Period

When an unsafe / problem structure, not in danger of structural collapse, has been closed and secured from entry and the elements by the property owner and the structure continues to remain closed and secured from entry and the elements by approved methods, it may remain standing in a safe condition for a period not to exceed sixty (60) days from the date of the condemnation, fire, or damage from other means, or the date of the release of the property from a governmental, criminal, fire or explosives investigation, at which time an application must have been made for a building permit to repair or for a demolition permit. If a building permit is requested and approved, repair or renovation work to bring the property into compliance must be completed within sixty (60) days of the date of the issuance of the permit. If a demolition permit is requested and approved, demolition must be initiated within five (5) days and must be completed within thirty (30) days of the date of the issuance of the demolition permit.

C27.5.02.a.c Failure to Comply

Failure of the property owner to obtain the required permit(s) in the specified time and/or to keep the structure closed and secured from entry shall constitute permission to an official, employee, or other authorized agent of the City to enter upon the property to remedy the situation and to abate the nuisance by demolition and removal of the unsafe / problem structure.

Exterior Structure

* Stairways, Decks, Porches & Balconies

Inspector's Comments: The wooden stairs at the rear of the location are not maintained in good repair or usable condition. The stairs are in a state of deterioration, decay, and or dilapidation and have pulled away from the structure and are unusable.

IPMC 3.304.10 - 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.

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.

* Handrails and Guards

Inspector's Comments: The handrail on the interior stairwell is in disrepair and/or not properly anchored to the wall capable of supporting imposed loads.

IPMC 3.304.12 - 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.

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

* Glazing

Inspector's Comments: There are multiple broken/boarded/missing windows on a structure at this location.

Additionally, during a complaint-based interior inspection it was observed that there are several windows, frames and hardware that are not maintained in good repair including, but not limited to, windows in Apartments #2, #3 and #4. Window frames are rotted, deteriorating and/or otherwise not maintained in good working condition. Windows have openings, gaps, and do not properly close or secure.

Repair any/all windows, frames, assemblies and glazing not in good condition.

IPMC 3.304.13.1 - 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.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes.

* Doors

Inspector's Comments: There is at least one exterior door on a structure at this location that is missing and/or not maintained in good repair.

IPMC 3.304.15 - 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.

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.

* Doors

Inspector's Comments: The exterior door for Apartment #4 is not maintained in good repair as there is a large hole around the deadbolt on both sides of the door currently covered with duct tape.

The rear door for Apartment #1 is not maintained in good repair as there is a large opening/gap at the bottom of the door.

The entry door and/or hardware to Unit #3 at this location is not maintained in good repair. The hardware does not properly secure or latch the door and the door itself is not maintained in good repair.

IPMC 3.304.18.1 - 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.

* Premises Identification

Inspector's Comments: There is no, or insufficient, premises identification at this location (the address cannot be seen from the road).

IPMC 3.304.3 - 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.

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).

* Exterior Walls

Inspector's Comments: Due to damage caused by collapse/deterioration of the stairs at the rear of the structure, the exterior wall is not maintained in good repair as both the foundation under the Apartment, and a space into the apartment, are open and accessible.

IPMC 3.304.6 - 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.

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.

Fire Safety

* General

Inspector's Comments: Due to the deterioration/collapse of the rear stairwell to Apartment #1, the path of egress is not safe or unobstructed as intended.

IPMC 7.702.1 - 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 International Fire Code.

* Smoke Alarms

Inspector's Comments: There is no working smoke alarm installed in the following required location(s):
The living room of Apartment #2, the living room of Apartment #4., There are no working smoke alarms installed in Units #3 or #4 as required.
Additionally the smoke alarms in the bedrooms of Apartments #2 and #4 were not properly functioning and the Inspector provided a battery during the inspection to ensure safe operation.

IPMC 7.704.2 - 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 International Fire Code.

Interior Structure

* Interior surfaces

Inspector's Comments: Interior surfaces are not maintained in sanitary condition and/or good repair including, but not limited to, the following locations:

The wall on the 2nd floor of the common hallway in several places (one of which has an exposed opening to the interior of Apartment #1 through the ceiling), the wall along the common stairwell for Apartments 3 and 4, the wall under the window in the living room of Apartment #4 which has a mold-like substance on it, and the wall along the bathtub in Apartment #4 which shows signs of water damage and decay.

Walls in the kitchen of Apartment #1 are characterized by holes or damage, and the ceiling in the kitchen of Apartment #1 has suffered what appears to be significant water damage and there is a large section of ceiling which is completely missing.

There are multiple interior areas within Unit #3 at this location not maintained in good, clean or sanitary condition. There are holes in walls in the hallway, kitchen, living room, bedroom and bathroom. There is an area including, but not limited to, under the window in the living room with peeling/flaking/chipping paint and apparent water damage.

IPMC 3.305.3 - 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.

* Stairs and walking surfaces

Inspector's Comments: The walking surface in Apartment #1 is not maintained in good repair including, but not limited to, in the kitchen due to reported water damage.

IPMC 3.305.4 - Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Light/Vent/Occupancy

* Common Halls & Stairways

Inspector's Comments: Ensure that lighting in common halls, exterior means of egress and stairwells is adequate and operable.

IPMC 4.402.2 - 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 m²) 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.

* Food Preparation

Inspector's Comments: The provided refrigerator in Unit #3 is not maintained in good condition or working order as the cool box portion is not operational for the storage of cold food. The oven and stovetop are not usable and/or not maintained in good working order. The area under the sink in the kitchen shows evidence of an ongoing sink leak and is characterized by water damage and a mold-like substance.

IPMC 4.404.7 - 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.

Mechanical & Electrical Requirements

* Residential Occupancies

Inspector's Comments: Units #1, #2 and #3 are equipped with only an un-vented, fuel-burning space heater in the living room. Gas space heaters shall not be the sole or primary source of heat in a dwelling unit. Additionally one space heater is not adequate to provide heat in the bedroom or bathroom as required by code.

IPMC 6.602.2 - 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 International 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.

* Heat Supply

Inspector's Comments: Heat supply in Apartments #2, #3 and #4 is not adequate to heat all habitable rooms. There is one un-vented, fuel-burning space heater installed in the living room of each unit. Un-vented, fuel-burning space heaters are not adequate to be the sole or primary source of heat in a unit. Additionally in unit #1 there is no heat source in the kitchen or bedrooms, only the living room which is not adequate to provide heat to the other rooms as required.

IPMC 6.602.3 - 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 September 1 to April 30 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 International 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.

* Mechanical Appliances

Inspector's Comments: The oven in Apartment #2 is not maintained in good repair as the front of the oven and door are missing.

Mechanical appliances in Unit #3 are not maintained in safe working condition, or capable of performing the intended function, including, but not limited to, the refrigerator, the oven and stovetop. Additionally there is existing duct work/vent in the living room from a previously-installed fuel-burning appliance. This vent/duct is not capped or properly terminated.

IPMC 6.603.1 - 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.

* Installation

Inspector's Comments: During a complaint-based interior inspection of Apartment #4 at this location it was observed that the lighting fixture in the kitchen is not operable.

Additionally, there is a missing knockout panel on the exterior breaker for Apartment #4 where the service drop comes into the dwelling.

Electrical equipment, wiring and/or appliances do not appear to be maintained in good repair in Unit #3 including, but not limited to, in the kitchen.

IPMC 6.605.1 - All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

* Receptacles

Inspector's Comments: During a complaint-based interior inspection of Apartment #2 at this location it was observed that at least one receptacle is missing a required cover.

At least one receptacle in Unit #3 at this location is not installed or maintained in good condition or safe, working order. This includes, but is not limited to, in the kitchen.

IPMC 6.605.2 - 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.

* Luminaires

Inspector's Comments: Installed lighting in several rooms in Unit #3 are not maintained in good repair and/or good working order, including, but not limited to, missing hardware, missing components and/or not operable.

Luminaries in Apartments #2, #4 and the common hallways are not maintained in good repair and/or working order.

IPMC 6.605.3 - Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

Nuisance

* Unlicensed/Inoperable Motor Vehicle

Inspector's Comments: There is an unlicensed and/or inoperable vehicle on the premises. Please repair/remove any and all inoperable/unlicensed vehicles from the premises.

BGKY C27 27.5.03.a. a - No inoperative or unlicensed motor vehicle, whether repairable or not, shall be parked, kept or stored on any public right-of way. No junk motor vehicle, shall be parked, kept or stored on any private premises longer than three (3) calendar days unless contained within an approved enclosed building. No motor vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless contained within an approved enclosed building.

* 27.1.03 Definitions: Junk Motor Vehicle

"Junk Motor Vehicle" is any inoperable motor vehicle, whether repairable or not, without a current valid license plate, or which is rusted, wrecked, discharged, partially or totally dismantled or abandoned.

* Duty of Maintenance of Private Property

Inspector's Comments: There are numerous code violations on the both exterior and the interior of the dwelling at this location. Many of these code violations create an unsafe, unhealthy and/or unsanitary and unsafe living condition for tenants, occupants and the public.

BGKY C27 27.6.03 - No person owning, leasing, occupying or having charge of any property or premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such property or premises in a manner which could cause substantial diminution in the value of the other property in the neighborhood in which such property or premises are located.

* Dilapidated Structures

Inspector's Comments:

BGKY C27 27.6.05.i - Dilapidated structures. All buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are in a state of dilapidation, deterioration or decay so as not to provide shelter, sufficient sewer, plumbing, electrical or heating facilities or which are unsound or in danger of collapse or failure and which are a danger to the safety of the public or which are vacant or abandoned and open or accessible to vagrants or passersby or which are otherwise built, erected or maintained in violation of any ordinance;

* Stagnant Water

Inspector's Comments:

BGKY C27 27.6.05.k - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply;

* Scattering Garbage

Inspector's Comments:

There is garbage scattered on the premises. Please remove. Also please ensure that garbage and trash are properly disposed of to avoid scattering of rubbish/garbage.

BGKY C27 27.6.05.m - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Scattering garbage, etc. The throwing, placing, or scattering of any garbage, rubbish, trash, or other refuse over or upon any premises, street or alley, either public or private, or adjacent thereto, and either with or without the intent to later remove or burn;

* Tires

Inspector's Comments:

There is a tire/tires located outdoors on the property. Please remove. (Also note that Scott Waste will not pick up tires, they must be taken to an approved tire recycler.)

BGKY C27 27.6.05.t - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Tires. The outdoor storage of tires within the City limits, except on premises authorized by the City for such purposes;

* Accumulation of Rubbish or Garbage

Inspector's Comments:

There is an accumulation of rubbish/garbage outdoors on the property.

IPMC 3.308.1 - All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Plumbing Facilities

* Responsibility

Inspector's Comments:

IPMC 5.501.2 - 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.

*** Dwelling Units**

Inspector's Comments: During a complaint-based inspection it was determined that the required lavatory/bathroom sink in Apartment #2 is not operable and/or maintained in good working condition. The toilet in this apartment leaks significantly around the base when flushed. The toilet seat and lid are not properly secured to the toilet for proper operation.

Additionally the toilet is not maintained in good working condition in Apartment #4 and does not operate as intended.

Unit #3 at this location does not provide a bathtub/shower, lavatory, water closet or kitchen sink that are maintained in a sanitary, safe working condition. During a complaint-based interior inspection it was found that none of the above appliances are maintained in good repair or working order.

IPMC 5.502.1 - 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.

*** General**

Inspector's Comments: Plumbing appliances are not maintained in good condition at this location including, but not limited to, the following:

The bathroom sink in Apartment #2 does not function at all, the toilet in Apartment #4 does not function as intended. None of the plumbing fixtures in Apartment #3 are maintained in good working order. Additionally, the bathroom lavatory is not secured to the wall and has fallen onto the floor of the bathroom.

IPMC 5.504.1 - 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.

If you do not understand the violation or cannot reference where the violation is on your property, notify the Assigned Code Official for clarification within the next seven days.

If an Appeal is not filed with the Code Enforcement & Nuisance Board Clerk a COMPLIANCE INSPECTION will be on **03/23/2018**

If the property is still in violation after the Compliance Inspection additional citations may be issued until compliance is rendered.

I have inspected the Property in Violation and have found it in non-compliance with the City of Bowling Green's Code of Ordinances, Chapter 27, Property Code, Chapter 21, Streets & Sidewalks and/or the adopted International Property Maintenance Code. By order of the City of Bowling Green, I do hereby issue a citation.



Brad Schargorodski
Code Official
Office: 270-393-3110
Email: brad.schargorodski@bgky.org



CITATION
2018-00003033

RODRIGUEZ PABLO & MONREAL ISMERAI
1120 BARREN RIVER RD
BOWLING GREEN KY 421011974

Citation Issued Date: 3/14/2018
Case #: 2017-00007525
Certified Mail #: 7017 3040 0001 1743 4123

Property in Violation: **1120 OLD BARREN RIVER RD**

PVA Parcel #: **039B28 033**

Violations: See the attached Inspection Report for the named violations and Titles in Chapter 27, Property Code that have been violated.

Correction Steps: Repair, replace, remove or otherwise correct all items including but not limited to those specifically mentioned in this citation as being in violation of city's ordinances. All vehicles related violations of code title 27-5.03 (a), (b), (c), (d) and (e) must be kept in an approved enclosed building, otherwise remove from premises.

A Code Compliance Re-Inspection will be on **03/26/2018**

Transfer of Property Ownership: International Property Maintenance Code 107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance 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 compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Civil Penalty: \$403.92

Additional Fines and fees: If violation(s) to Chapter 27, Property Code remain on the Property in Violation after the completed Compliance Re-Inspection, additional citations may be issued and those violations will constitute a second or more offense against the Property in Violation. A second offense is double the first offense amount and a third or more offense is doubled from the second offense amount. All fines are subject to a per day fine amount set at the discretion of the Code Enforcement and Nuisance Board. In addition to fines being levied the City may remedy the violations with their own forces if so elected and the cost of that remedy shall be charged against the property owner for collection. All Certified Mail Postage and/or handling fees will be added to this Citation and will be billed to the property owner.

Payment of Fine: If payment of the fine is in person, come to the Treasurer's counter located in the City Annex Building at 1017 College St. If payment is by mail, send to: **City Treasurer, P O Box 1410, Bowling Green KY 42102-1410** Pay online at: <http://www.bgky.org>

All Fines and Fees that are not paid after being approved by the Code Enforcement and Nuisance Board will be subject to a lien being filed on the Property In-Violation.

THE VIOLATOR SHALL RESPOND TO THIS CITATION WITHIN SEVEN (7) DAYS OF THE DATE THE CITATION IS ISSUED BY EITHER PAYING THE CIVIL FINE SET OUT ABOVE OR BY REQUESTING A HEARING BEFORE THE CODE ENFORCEMENT AND NUISANCE BOARD TO CONTEST THE CITATION. IF THE VIOLATOR DOES NOT CONTEST THIS CITATION WITHIN SEVEN (7) DAYS OF THE DATE THE CITATION IS ISSUED, THE VIOLATOR SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO A HEARING AND THE DETERMINATION THAT A VIOLATION WAS COMMITTED SHALL BE CONSIDERED FINAL. IN THIS EVENT, THIS CITATION AS ISSUED SHALL BE DEEMED A FINAL ORDER DETERMINING THAT THE VIOLATION(S) SET OUT IN THIS CITATION WAS COMMITTED AND IMPOSING THE CIVIL FINE SET OUT ABOVE AND THE VIOLATOR SHALL BE DEEMED TO HAVE WAIVED THE RIGHT TO APPEAL THE FINAL ORDER TO DISTRICT COURT. IF YOU CONTEST OR APPEAL THIS CITATION, THE CODE ENFORCEMENT AND NUISANCE BOARD HAS THE DISCRETION TO DOUBLE THE CIVIL FINE SET OUT ABOVE, TO IMPOSE A PER DAY FINE FROM THE DATE OF THE CITATION AND TO IMPOSE OTHER REMEDY FINDINGS IF THE BOARD UPHOLDS THE CITATION.

Any request for a hearing contesting the citation shall be in writing giving the reason for the appeal to the Code Enforcement and Nuisance Board using the Appeal form attached to this citation. All requests for hearings shall be mailed to the City of Bowling Green, CENB Clerk, P.O. Box 430, Bowling Green KY 42102-0430. For additional information on appeals, please call: (270) 393-3102. If you request a hearing to contest the citation, do not pay the civil fine set out in this citation until the Code Enforcement and Nuisance Board has rendered a decision on your appeal.

Inspected Address: 1120 OLD BARREN RIVER RD

Case #: 2017-00007525

Primary Owner: RODRIGUEZ PABLO & MONREAL ISMERAI
Mailing Address: 1120 BARREN RIVER RD
BOWLING GREEN KY 421011974

Inspector's Findings: Code Enforcement 2018-00003033

3/14/2018 8:30:00 AM

The inspection made at this property revealed the following violations to the Code of Ordinances:

Nuisance

*** Unlicensed/Inoperable Motor Vehicle**

Inspector's Comments: There are multiple unlicensed/inoperable vehicles on the premises. The property owner has been made aware of this violation and has been given sufficient time to bring the property into compliance.

This violation is generating complaints to our office.

Repair/remove any and all inoperable/unlicensed vehicles from the premises.

BGKY C27 27.5.03.a. a - No inoperative or unlicensed motor vehicle, whether repairable or not, shall be parked, kept or stored on any public right-of way. No junk motor vehicle, shall be parked, kept or stored on any private premises longer than three (3) calendar days unless contained within an approved enclosed building. No motor vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless contained within an approved enclosed building.

* 27.1.03 Definitions: Junk Motor Vehicle

"Junk Motor Vehicle" is any inoperable motor vehicle, whether repairable or not, without a current valid license plate, or which is rusted, wrecked, discharged, partially or totally dismantled or abandoned.

*** Duty of Maintenance of Private Property**

Inspector's Comments: The property at this location is in a state of disrepair and is in a manner which could cause substantial diminution in the value of other property in the neighborhood in which it is located.

BGKY C27 27.6.03 - No person owning, leasing, occupying or having charge of any property or premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such property or premises in a manner which could cause substantial diminution in the value of the other property in the neighborhood in which such property or premises are located.

*** Junk; Scrap Metal**

Inspector's Comments: There is junk/scrap on the premises including, but not limited to, car parts. Please remove any and all junk/scrap from the premises.

BGKY C27 27.6.05.a - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Junk; scrap metal. The storage of junk motor vehicles, motor vehicle parts, storage tanks, dumpsters, refuse/trash containers not being served by the County's garbage collection franchisees, junk machinery, machinery parts, abandoned, discarded or unused appliances, objects or equipment in unusable condition such as stoves, refrigerators, washers, dryers and similar equipment, or scrap metal (whether recyclable or unrecyclable) within the City limits, except on premises authorized by the City for such purposes;

* Accumulation of Construction, Demolition or Landscaping Debris

Inspector's Comments: There is an accumulation of construction/demolition and/or landscape debris on the premises. Please remove any and all construction/demolition/landscape debris.

BGKY C27 27.6.05.b - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Accumulation of construction, demolition, landscaping debris or other waste materials. All exterior property and premises shall be free from any accumulation of combustible and noncombustible waste materials, including any material resulting from maintenance, demolition, repair, alteration or construction of buildings, structures or grounds, or landscaping or natural damage of grounds, including, but not limited to, ashes, stones, glass, concrete, fallen trees, tree branches, brush and yard trimmings;

* Scattering Garbage

Inspector's Comments: There is garbage scattered on the premises. Please remove. Also please ensure that garbage and trash are properly disposed of to avoid scattering of rubbish/garbage.

BGKY C27 27.6.05.m - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Scattering garbage, etc. The throwing, placing, or scattering of any garbage, rubbish, trash, or other refuse over or upon any premises, street or alley, either public or private, or adjacent thereto, and either with or without the intent to later remove or burn;

* Parking in yards

Inspector's Comments: There are multiple vehicles parked/stored on the grass/yard at this location. The property owner has been made aware of this violation multiple times in the past and has been given sufficient time to remedy the violation.

Ensure all vehicles at this location park on an improved parking surface as defined below to avoid further fines/citations.

BGKY C27 27.6.05.r - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Parking in yards. The parking or storage or allowing another to park or store a motor vehicle in the front, side or rear yard of any property upon any surface other than an improved parking surface. For the purposes of this Section motor vehicles is defined as a licensed means of motorized transportation for the movement of people and goods along public roadways including, but not limited to cars, trucks, vans, RVs and motorcycles;

NOTE: "Improved Parking Surface" shall be defined as existing gravel, concrete, brick pavers or asphalt surfaces generally used for parking motor vehicles. The expansion of, or adding additional parking surfaces may require permits and be approved by the Bowling Green Warren County Planning & Zoning office.

* Tires

Inspector's Comments: There is a tire/tires located outdoors on the property. Please remove. (Also note that Scott Waste will not pick up tires, they must be taken to an approved tire recycler.)

BGKY C27 27.6.05.t - It shall be unlawful for the owner, occupant or person having control or management of any public or private land within the City to permit a public nuisance to develop thereon. Public nuisances include, but are not limited to, the following conditions:

Tires. The outdoor storage of tires within the City limits, except on premises authorized by the City for such purposes;

* Accumulation of Rubbish or Garbage

Inspector's Comments: There is an accumulation of rubbish/garbage outdoors on the property.

IPMC 3.308.1 - All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

If you do not understand the violation or cannot reference where the violation is on your property, notify the Assigned Code Official for clarification within the next seven days.

If an Appeal is not filed with the Code Enforcement & Nuisance Board Clerk a COMPLIANCE INSPECTION will be on **03/26/2018**

If the property is still in violation after the Compliance Inspection additional citations may be issued until compliance is rendered.

I have inspected the Property in Violation and have found it in non-compliance with the City of Bowling Green's Code of Ordinances, Chapter 27, Property Code, Chapter 21, Streets & Sidewalks and/or the adopted International Property Maintenance Code. By order of the City of Bowling Green, I do hereby issue a citation.



Brad Schargorodski
Code Official
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