

ORDINANCE 27-2026

AN ORDINANCE AMENDING A CERTAIN SECTION OF CHAPTER 51 OF THE HOPKINSVILLE CODE OF ORDINANCES RELATING TO PENALTIES AND ADMINISTRATIVE FEES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HOPKINSVILLE, KENTUCKY, AS FOLLOWS:

SECTION ONE

Section 51.999 of the Hopkinsville Code of Ordinances is hereby amended to read as follows:

§ 51.999 [~~PENALTY.~~] PENALTIES AND ADMINISTRATIVE FEES.

(A) Any person who violates any provision of §§ 51.002 through 51.006 of this chapter or any regulation adopted hereunder or any provision of the state's Plumbing Code shall be guilty of a misdemeanor and fined not less than \$10, nor more than \$100, or imprisoned for not more than 90 days or both for each offense. Each day the violation continues shall constitute a separate offense.

(B) Any person, firm, or corporation who violates §§ 51.075 through 51.080 and shall continue any violation beyond the time limit provided for in § 51.080 shall be deemed guilty of a punishable violation and upon conviction thereof be fined in an amount not exceeding \$100 per day of violation for each violation.

(C) Any consumer may be charged with violation of §§ 51.085 through 51.092 and prosecuted in a court of appropriate jurisdiction. Any person so charged and found guilty in the court of violating the provisions of §§ 51.085 through 51.092 shall be guilty of a Class B misdemeanor. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100 which may not be adjusted by the court. In addition, the consumer may be required by the court to serve a definite term of confinement which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second violation shall be a mandatory fine of \$200 which may not be adjusted by the court. In addition, such consumer shall serve a definite term of confinement which shall be fixed by the court and which shall not exceed 30 days. Penalties for additional violations shall be the same as for the second violation.

(D) Unauthorized use of water, meter tampering, hydrant use, and theft of service.

No person shall obtain, use, divert, reconnect, or take water service from the water system without authorization from the Sewerage and Water Works Commission. Unauthorized use violations shall include, but are not limited to, meter-box interference, meter seal or lock disturbance, unauthorized access, meter tampering, meter bypass, unauthorized reconnection, unauthorized connection, unauthorized hydrant use, intentional theft of service, or any conduct that creates a risk to the water system, meter infrastructure, public health, or system integrity.

(E) The Sewerage and Water Works Commission, or its authorized representative, shall have discretion to classify the violation based on the facts and circumstances of the incident.

including the nature of the conduct, whether the conduct appears accidental or intentional, whether the conduct resulted in unmetered water use, whether damage occurred, and whether the conduct created a risk to the water system, meter infrastructure, public health, or system integrity.

(F) In addition to all other charges, costs, or remedies available by law, the following administrative fees shall apply:

<u>Violation Category</u>	<u>Fee</u>
<u>Minor meter-box interference / Unauthorized Access – 1st Offense</u>	<u>\$100</u>
<u>Minor meter-box interference / Unauthorized Access – 2nd Offense</u>	<u>\$250</u>
<u>Minor meter-box interference / Unauthorized Access – 3rd Offense or subsequent</u>	<u>\$500</u>
<u>Intentional theft of service / system-risk conduct</u>	<u>\$2,500</u>
<u>Unauthorized hydrant use</u>	<u>\$1,000</u>

(G) For purposes of determining whether an offense is a first, second, third, or subsequent offense, prior violations shall be counted within a thirty-six-month period.

(H) The fees established in this section are in addition to, and do not replace, any applicable water or sewer usage charges, estimated usage charges, service charges, reconnect charges, labor costs, equipment costs, material costs, testing or inspection costs, repair or replacement costs, damages, or other costs incurred by the Sewerage and Water Works Commission as a result of the unauthorized use, tampering, theft, damage, or related conduct.

(I) Nothing in this section shall limit the authority of the Sewerage and Water Works Commission, the City of Hopkinsville, or any other appropriate authority to pursue any civil, criminal, or other remedy available under applicable law, including referral for prosecution when the facts support such referral.

SECTION TWO

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FOUR

This ordinance shall take effect October 1, 2026 after its passage and publication according to law.

ORDINANCE 27-2026
AMEND SECTION 51.999, PENALTIES AND ADMINISTRATIVE FEES

PUBLICLY READ AND PASSED FIRST TIME: _____

PUBLICLY READ AND PASSED SECOND TIME: _____

APPROVED: _____
Mayor James R. Knight Jr.

ATTEST: _____
City Clerk Brittany Byrum, CMC