

**CITY OF ROLLING HILLS
ORDINANCE # 5 SERIES 2025-2026
AN ORDINANCE ESTABLISHING
A CODE OF ENFORCEMENT BOARD**

WHEREAS, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the City by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, it is the desire of the City Commission of the City of Rolling Hills, Kentucky to utilize the authority granted in KRS 65.8801 to 65.8839 by creating a City of Rolling Hills Code Enforcement Board.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ROLLING HILLS, KENTUCKY:

- § 37.01 Definitions
- § 37.02 Creation and membership
- § 37.03 Enforcement Powers
- § 37.04 Organization; Meetings
- § 37.05 Conflict of Interest
- § 37.06 Jurisdiction; Powers of the Code Enforcement Board
- § 37.07 Enforcement Proceedings
- § 37.08 Hearing, Notice and Final Order
- § 37.09 Legal Counsel
- § 37.10 Appeals; Final Judgment
- § 37.11 Ordinance Fine Schedule
- § 37.12 Liens, Fines, Charges, and Fees

Appendix: Code Enforcement Board Rules of Procedure.

§ 37.01 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE ENFORCEMENT BOARD. An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act to perform and enforce the duties of a code enforcement board.

CODE ENFORCEMENT OFFICER. A city police officer, safety officer, citation officer, administrative officer, or other public law enforcement officer with the authority to issue a citation for the City of Rolling Hills.

FINAL ORDER. Any order issued by the code enforcement board in accordance with § 37.07 (G); or § 37.08 (C), (F) of this chapter;

IMMINENT DANGER. A condition which is likely to cause serious or life-threatening injury or death at any time.

ORDINANCE. An official action of a local government body, which is a regulation of a general and permanent nature, and enforceable as a local law, and shall include any provision of a code of ordinances adopted by the city Commission which embodies all or part of an ordinance, for the City of Rolling Hills.

OWNER. A person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property.

PREMISES. A lot, plot, parcel of land, including any structures upon it.

§ 37.02 CREATION AND MEMBERSHIP

- (A) There is hereby created pursuant to KRS 65.8801 to KRS 65.8839, within the City of Rolling Hills, a Code Enforcement Board which shall be composed of no fewer than three (3) members, all of whom shall be at least 21 years of age and a resident of the City of Rolling Hills (or cities, where others have joined a Joint Code Enforcement Board through Interlocal Cooperation Agreement) for a period of at least one year prior to the person's appointment as a member of the Board, and shall reside there throughout the term in office.
- (B) Members of the Code Enforcement Board shall be appointed and approved by the City of Rolling Hills Commission.
- (C) Appointments of members to the Code Enforcement Board shall be as follows: 1. One-third of the membership of the board shall be appointed for a term of one (1) year; 2. One-third of the membership shall be appointed for a term of two (2) years; and One-third of the membership shall be appointed for a term of three (3) years. All subsequent appointments shall be made for a term of three (3) years.
- (D) The City Commission may appoint, subject to the approval of the City Commission, two alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.
- (E) Any vacancy on the Board shall be filled by the City Commission, subject to approval of the Commission within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Board members shall fill the vacancy.

- (F) Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written statement to the member and to the City Commission setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- (G) All members of the Code Enforcement Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- (H) Members of the Code Enforcement Board shall be reimbursed for actual expenses and compensated in the amount of \$25 per meeting.
- (I) No member of the Code Enforcement Board may hold any elected or non-elected office, paid or unpaid, or any position of employment with the city.
- (J) Pursuant to KRS 65.8808, any city that has in place an interlocal cooperation agreement with the City of Rolling Hills to perform and enforce the duties of a code enforcement board will be subject to this chapter and shall be able to participate in the enforcement of that city's ordinances in accordance with the terms of said interlocal cooperation agreement. Each participating city shall make available Code Enforcement Board members for cases involving property within their city, as set out in said interlocal cooperation agreement.

§ 37.03 ENFORCEMENT POWERS

- (A) The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a civil violation has been authorized by ordinance.
- (B) The Code Enforcement Board shall not have the authority to enforce any ordinance the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.
- (C) This power may be extended to other cities that have entered into an Interlocal Cooperation Agreement to perform and enforce the duties of a code enforcement board.

§ 37.04 ORGANIZATION; MEETINGS

- (A) The Code Enforcement Board shall annually elect a chair from among its members. The chairman shall be the presiding officer and a full voting member of the Board.

- (B) Regular meetings of the Code Enforcement Board shall be held on the second Tuesday of every month at the hour of 7:00 p.m., unless otherwise established by interlocal agreement, if there is business to be undertaken. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act. If there is no business to come before the Board, the Chairman may cancel the meeting.
- (C) All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.
- (D) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.
- (E) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

§ 37.05 CONFLICT OF INTEREST

- (A) Any member of the Code Enforcement Board, who has any direct or indirect financial or personal interest in any matter to be decided, shall disclose the nature of the interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

§ 37.06 JURISDICTION; POWERS OF THE CODE ENFORCEMENT BOARD

- (A) The Code Enforcement Board shall have jurisdiction to enforce and shall enforce all city ordinances and code provisions that carry a civil penalty within the City of Rolling Hills.
- (B) The Code Enforcement Board shall have the following powers and duties:
 - (1) To adopt rules and regulations to govern its operations and the conduct of its hearings.
 - (2) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
 - (3) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any Code Enforcement Officer.
 - (4) To take testimony under oath. The chairman shall have the authority to administer oath for the purpose of taking testimony.
 - (5) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce.

- (6) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the Board has jurisdiction.

§ 37.07 ENFORCEMENT PROCEEDINGS

The following requirements shall govern all enforcement proceedings before the Code Enforcement Board:

- (A) Enforcement proceedings before the Code Enforcement Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer.
- (B) Except as provided in division (C) below, if a Code Enforcement Officer believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a notice of violation to the offender allowing the offender a specified period of time to remedy the violation without fine. If the offender fails or refuses to remedy the violations within the time specified, the Code Enforcement Officer is authorized to issue a citation.
- (C) Nothing in this chapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.
- (D) The citation issued by the Code Enforcement Officer shall contain the following information:
- (1) The date and time of issuance;
 - (2) The name and address of the person to whom the citation is issued;
 - (3) The date and time the offense was committed;
 - (4) The facts constituting the offense;
 - (5) The section of the code or the number of the ordinance violated;
 - (6) The name of the code enforcement officer;
 - (7) The civil fine imposed for the violation if the person does not contest the citation;
 - (8) The maximum civil fine that may be imposed if the person elects to contest the citation;
 - (9) The procedure for the person in order to pay the civil fine or to contest the citation; and
 - (10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and that the determination that the violation was committed shall be final.
- (E) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to the City Clerk.
- (F) The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails

to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

- (G) If the alleged violator does not contest the citation within the time prescribed, the Code Enforcement Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation. Service may be achieved by the same manner set forth in §37.08(B) for notifying a requester of a hearing date.

§ 37.08 HEARING, NOTICE AND FINAL ORDER

- (A) When a hearing has been requested, the Code Enforcement Board shall schedule a hearing. The hearing shall be conducted within fourteen (14) days of the request, unless the requester wants or agrees to a continuance not to exceed fourteen (14) additional days.
- (B) Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice.
- (C) Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation as committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon the person guilty of the violation. Service may be achieved by the same manner set forth in §37.08(B) for notifying a requester of a hearing date.
- (D) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (E) The Code Enforcement Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or other ordinance or requiring the offender remedy a continuing violation, or both.

(F) Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation. The person named in the citation may ask the Rolling Hills City Commission (or the governing body of any city which has in place an Interlocal Cooperation Agreement to perform and enforce the duties of a code enforcement board) for reconsideration of the final order. Such request for reconsideration must be in writing and filed with the City Clerk (of the city in which the violation occurred) within seven (7) days of the date of the final order of the Code Enforcement Board. The city governing body may (but is not required to) review and entertain such request for reconsideration and may, affirm, modify, revise, amend, or dismiss any final order of the Code Enforcement Board. The request for reconsideration does not extend any other time period to appeal the final order of the Code Enforcement Board. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in Paragraph (B) of this Section.

§ 37.09 LEGAL COUNSEL

(A) Each case before the Code Enforcement Board shall be presented by an attorney selected by the city or by a Code Enforcement Officer for the city. The City Attorney may either be counsel to the Code Enforcement Board or may present cases before the Code Enforcement Board, but in no case shall serve in both capacities.

§ 37.10 APPEALS; FINAL JUDGMENT

(A) An appeal from any final order of the Code Enforcement Board may be taken to the Jefferson County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

(B) If no appeal from a final order of the Code Enforcement Board is filed within the time period set in Paragraph (A) of this Section, the Code Enforcement Board's order shall be deemed final for all purposes.

§ 37.11 ORDINANCE FINE SCHEDULE

Violations of ordinances that are enforced by the Code Enforcement Board shall be subject to the following schedule of civil penalties.

(A) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this division shall apply; however, the Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

<u>Violation</u>	<u>1st offense</u>	<u>2nd offense</u>	<u>All others</u>
Chapter 10	\$250.00	\$250.00	\$250.00
Chapter 50	\$150.00	\$150.00	\$150.00
Chapter 70	\$150.00	\$150.00	\$150.00
Chapter 73	\$250.00	\$250.00	\$250.00
Chapter 90	\$150.00	\$150.00	\$150.00
Chapter 91	\$150.00	\$150.00	\$150.00
Chapter 92	\$250.00	\$250.00	\$250.00
Chapter 93	\$200.00	\$200.00	\$200.00
Chapter 110	\$250.00	\$250.00	\$250.00
Chapter 112	\$300.00	\$300.00	\$300.00
Chapter 130	\$150.00	\$150.00	\$150.00
Chapter 150	\$150.00	\$150.00	\$150.00

(B) If the citation is contested and a hearing before the Code Board is required, the following maximum penalties may be imposed at the discretion of the Code Board:

<u>Violation</u>	<u>1st offense</u>	<u>2nd offense</u>	<u>All others</u>
Chapter 10	\$250.00	\$250.00	\$250.00
Chapter 50	\$150.00	\$150.00	\$150.00
Chapter 70	\$150.00	\$150.00	\$150.00
Chapter 73	\$250.00	\$250.00	\$250.00
Chapter 90	\$150.00	\$150.00	\$150.00
Chapter 91	\$150.00	\$150.00	\$150.00
Chapter 92	\$250.00	\$250.00	\$250.00
Chapter 93	\$200.00	\$200.00	\$200.00
Chapter 110	\$250.00	\$250.00	\$250.00
Chapter 112	\$300.00	\$300.00	\$300.00
Chapter 130	\$150.00	\$150.00	\$150.00
Chapter 150	\$150.00	\$150.00	\$150.00

§ 37.12. LIENS, FINES, CHARGES AND FEES

(A) If the Code Enforcement Board does find that there is a violation of the city ordinances, the Code Enforcement Board shall have the discretion to require compliance, in addition to the imposition of penalties, as set forth in § 37.11. In addition, it is within the discretion of the Code Enforcement Board to find that each day of non-compliance after said finding will constitute the imposition of another fine for each day's violation, up to the following maximums. On first violation, the maximum total fine for each person cited is \$1,000.00. On second violation, the maximum total fine for each person cited is \$2,000.00. On third violation, the maximum total fine for each person cited is \$3,000.00.

- (B) The city shall possess a lien on property owned by the person found by a final, non-appealable order of the Code Enforcement Board, or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance.
- (C) The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.
- (D) The lien shall take precedence over all other subsequent liens; except state, county, school board, and city taxes, and may be enforced by judicial proceedings.
- (E) In addition to the remedy prescribed in division (A), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of the ordinance. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

First Reading: April 21, 2026

Second Reading: June 16, 2026

Passed and approved this 16th day of June, 2026.

Judith Crowe

Judith Crowe

Mayor

ATTEST:

Karen Gott

Karen Gott

City Clerk

In favor: 4

Opposed: 0