

CITY OF HILLS AND DALES, KENTUCKY
ORDINANCE 2026-2
AN ORDINANCE RELATED TO PRIVATE PROPERTY MAINTENANCE AND
RESTRICTION OF NUISANCES

WHEREAS, The City Commission does hereby find that it is necessary to provide for the abatement of conditions which are offensive, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a public nuisance; and, to provide reasonable standards to safeguard life, health and public welfare in keeping with the character of the City by and through the general power of the City granted in KRS 82.082, as well as the authority granted in KRS 65.8840 to prohibit and abate nuisances for each of the following purposes:

- a. To safeguard the health, safety and welfare of the people by maintaining property or premises in good and appropriate condition;
- b. To enhance the economic value of the community, and each area in it, through the regulation of the maintenance of property or premises.

WHEREAS, the Commission desires to establish standards to protect both property values and the health, safety and welfare of its residents by prohibiting nuisances;

NOW THEREFORE, be it ordained by the Commission;

I. TITLE: This Ordinance shall be known and may be cited as the "City of Hills and Dales Property Maintenance and Nuisance Ordinance".

II. PURPOSE: The Commission finds and declares that the purpose of this Ordinance is to promote a sound and attractive community appearance, enhance the economic value of the community and safeguard the health, safety and welfare of the residents of the City and allow nearby residents the maximum use and enjoyment of their properties through property maintenance standards and restriction of nuisances.

III. DEFINITIONS: As used in this Ordinance, unless the context clearly requires a different meaning:

- a. "Abandoned" – The following factors, among others, may be considered in determining whether or not an item has been abandoned:
 - 1) present operability and functional utility;
 - 2) date of last use;

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- 3) condition of disrepair or damage;
 - 4) last time an effort was made to repair or rehabilitate the item;
 - 5) status of registration or licensing of the item;
 - 6) age and degree of obsolescence;
 - 7) cost of rehabilitation or repair of the item versus its market value; and
 - 8) nature of the area and location of the item. Items not intended for use or storage in an outdoor environment such as furniture, toys, appliances, and television sets, which are left outside the home in the public view for over seventy-two (72) hours.
- b. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Commission in its judgment shall determine is necessary in the interest of the general health, safety and welfare of the residents and for the protection of the City's property values.
- c. "Dismantled" means essential equipment, parts or contents have been removed or stripped.
- d. "Dumpster" means a storage container unit designed for waste materials of a size greater than 100 gallons, not including any of the containers provided by or approved for use by any waste disposal company hired by the City for garbage, yard waste or recycling.
- e. "Good Repair" means external structure elements of buildings are being maintained in a safe way and performing the function(s) for which they were intended without being broken, worn out or damaged.
- f. "Inoperable" means incapable of functioning or producing activity for mechanical or other reasons.
- g. "In Public View" means a sight line within normal visual range by a person on a public street or adjacent real property.
- h. "Nuisance" means an activity or condition that creates an unreasonable interference with a right common to the public at large, affecting the health, safety, or comfort of a community or neighborhood or creating conditions that are detrimental to property values.

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- i. "Occupant" means anyone in actual possession or use of the property such as a tenant paying rent or anyone else authorized by the owner to use the property such as a relative or a long-term guest.
- j. "Owner" means a person or entity that holds the legal right to possess, use and dispose of property, whether tangible like a car or house, or intangible like a patent.
- k. "Premises" means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent streets, sidewalks, parkways and parking strips.
- l. "Property" means any real property including, but not limited to, land, lot, or parcel of land, or unimproved public easement abutting such real property, lot or parcel of land.
- m. "Scrap Metal" means pieces or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its intended purpose.
- n. "Structure" means anything constructed, built or planted upon, any edifice or building of any kind, or any piece of work composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground, including fences, gates, garages, carports, swimming pools, patios, outdoor areas, paved areas, walks, tennis courts and similar recreation areas.
- o. "Temporary or Portable Storage Units" means units such as "PODS" (Portable On Demand Storage) or any storage device, trailer, vehicle, or other container or receptacle (with or without wheels) designed and used primarily for the temporary storage of building materials, household goods, personal items and other material on the limited basis. The term shall not include dumpsters, which are described separately herein.
- p. "Wrecked" means that which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

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- q. "Waste Items" means boxes, bags, plastic, paper, clothing, discarded or unused items, trash, waste material (solid or liquid), litter, rubbish, debris, building materials of any kind not being utilized for a current lawful ongoing construction project on property, and containers or refuse of any kind left in the public view for over seventy-two (72) hours.

IV. PROPERTY MAINTENANCE STANDARDS AND RESTRICTION OF NUISANCES

It is hereby declared to be a public nuisance and a violation of this Ordinance for any owner or other person in control of any property, premises, or other personal property located in the City to keep, maintain or utilize such property, premises, or other personal property in such a manner that is inconsistent with the following Property Maintenance Standards:

- a. Driveways shall be regularly maintained and replaced when they are worn and deteriorating. For example, a blacktop driveway shall be periodically sealed but replaced when a substantial portion of the driveway exhibits ruts, extensive cracking and potholes signifying loss of surface integrity and the need for reconstruction.
- b. Mailboxes, paper boxes and related support posts shall be kept structurally sound and in good repair as well as clean and free from rust, dirt, mold and algae. Boxes shall be parallel to the ground; support posts, perpendicular to the ground.
- c. Fences, decks, retaining walls or similar structures shall be firmly anchored in the ground and shall be maintained in good structural repair. Structures subject to deterioration from weather conditions shall be maintained with appropriate paint or preservative products to retard deterioration.
- d. Structures and properties shall not be allowed to be in a condition of severe dilapidation, deterioration or decay of exterior elements including, but not limited to, roofs, eaves, gutters, shutters, awnings, windows, doors, steps, walkways, patios or decks.
- e. Swimming pools, ponds, spas, or other bodies of water; or excavation that is abandoned, unattended, or empty, shall be fully contained inside a fenced area and properly secured as per Louisville Metro Codes and Regulations, making such areas inaccessible to the public so as not to endanger life, public health, safety and welfare.
- f. Abandoned, dismantled, wrecked, inoperable, and/or unlicensed vehicles or boats which are standing or stored on property or on sidewalks or streets, shall be removed or stored out of public view.

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g. Discarded objects including, but not limited to, equipment, appliances, water heaters, refrigerators, furniture which is not designed for outdoor use, household and plumbing fixtures, machinery, equipment, cans, waste items such as boxes, bags or other containers, clothing, building materials of any kind (not being utilized for a current lawful ongoing construction project on property), auto parts and scrap metals shall be discarded or stored out of public view.

h. Receptacles for garbage, yard waste and recyclable items shall not be left at the curb, driveway or in the yard for more than thirty-six (36) hours after the City's waste disposal company's regular pick-up has occurred.

i. No drainage device or system shall be obstructed, inhibited or altered preventing proper storm water drainage patterns.

j. No portable storage and/or moving containers (i.e. PODS etc.) or dumpsters shall be on or around any property for a period of more than thirty (30) consecutive days without authorization from the Commission.

k. Lawn grass and/or weeds contained therein shall not be allowed to grow to a height exceeding ten (10) inches for a period exceeding fourteen (14) days.

l. Any dead tree standing in such a condition that it is likely to, if the condition is allowed to continue, to endanger life, limb or property, or cause injury or damage to persons or property by falling or by parts thereof falling shall be removed.

m. Trees and other plant material that obstruct streets and/or drainage; interfere with the use, construction or maintenance of streets; cause damage to streets or obstruct the sightline of pedestrians or drivers shall be appropriately trimmed, pruned, reduced in size or removed.

n. Every property owner, his/her agent or occupant shall maintain the public roads right-of-way that abuts his/her property including mowing and plant maintenance.

o. Landscape plantings shall be regularly maintained and tended and shall not be allowed to become unsafe and/or with unsightly overgrowth.

V. NOTICE OF VIOLATION

a. Whenever a violation of any standard set forth in Section IV hereof is found to exist, the City Commission, or its authorized code enforcement officer, shall send a Notice of Violation

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to (i) the owner of the property, and (ii) to the occupant, lessee, or tenant of the property (the "occupant"), if different from the owner, which shall give ten (10) days from the date of the Notice to remedy such condition. However, if the condition is of a kind that it cannot reasonably be expected to be completely remedied within a ten (10) day period, the City Commission, or its authorized code enforcement officer, and the owner and/or occupant shall discuss and determine a mutually agreeable date by which the condition must be remedied.

b. The Notice of Violation shall be served by U.S. mail or by personal service. It shall be addressed to the last known address of the owner of the property as it appears on the current tax assessment roll and to the occupant at the address of the property. The failure of any or all of the addressees to receive the notice shall not invalidate any of the proceedings. Further, the failure of any owner or occupant to see, read, or understand the notice shall not invalidate any of the proceedings.

c. Any action taken by the City Commission or other official under this Ordinance may be appealed to the City Commission by any person cited hereunder. Such appeal shall be taken within the same time allowed for abatement (without extension), shall be in writing and shall be served on the City Clerk. The grounds for the appeal shall be stated in such appeal in detail. Such appeal shall be heard at the next regular meeting of the City Commission unless otherwise determined by the City Commission. While such appeal is pending, the Notice of Violation shall be held in abeyance.

VI. PENALTIES FOR VIOLATIONS

Enforcement of this Ordinance may be accomplished by the City Commission in any manner authorized by this Ordinance or by Kentucky Revised Statutes or any other law.

a. In order to enforce the provisions of this Ordinance, when the City Commission finds and determines (i) that the severity of the violation warrants immediate action, or (ii) the notice process set out herein has been followed but neither the owner nor occupant of the property has timely remedied the condition set out in the Notice of Violation, the City Commission has the right (but not the duty) to send employees or persons hired by the City Commission upon said property to remedy, clean up and/or abate the condition. The cost of such remedy, cleanup or abatement may be recovered by the City from the property owner directly via KRS 65.8840. Such cleanup or abatement will not relieve the property owner of fines or any other liabilities associated with any violation of this Ordinance.

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b. In addition to being responsible for the cost to remedy, cleanup, or abate a condition as set forth above, violation of this Ordinance shall constitute a violation which is punishable by the following fines:

1. A fine not exceeding one hundred dollars (100.00) for the first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within a one (1) year period; or
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this Ordinance within a one (1) year period of the first violation.

c. In the event that the owner or other person in control of the property fails to pay the penalties described in Section VI. of this Ordinance by the date designated in the Notice of Violation, the Commission, may, at its discretion, engage legal counsel to obtain a court judgment, which will then allow a lien to be placed on the owner's property. All fines, enforcement charges and abatement costs shall be deemed a penalty in addition to those fines specified in Section VI. of this Ordinance and shall be encompassed with the City's lien.

VII. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstances are held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and approval and publication as required by law.

First Reading held:	January 8, 2026
Second Reading held:	February 12, 2026
Passage on:	March 12, 2026
Publication on:	April 3, 2026

Adopted at the regular meeting of the Commission held this 12th day of March, 2026.


Andreas Wokutch, Mayor


ATTEST, Jeanne Keats, City Clerk