

AN ORDINANCE OF THE CITY OF VILLA HILLS, KENTON COUNTY, KENTUCKY ESTABLISHING REGISTRATION PROCEDURES FOR CERTAIN VACANT PROPERTY LOCATED IN THE CITY OF VILLA HILLS, KENTUCKY.

WHEREAS, economic factors have caused there to exist in the City of Villa Hills a number of vacant residential properties; and

WHEREAS, in many instances, owners, lenders and lienholders fail to adequately secure vacant residential buildings and to maintain the properties on which such buildings exist; and

WHEREAS, the failure of owners, lenders and lienholders to secure vacant residential buildings and to maintain the properties on which such buildings exist has led to instances of deteriorating properties and blight; and

WHEREAS, vacant residential properties can also cause the value of nearby properties to depreciate and discourage potential buyers from purchasing nearby properties; and

WHEREAS, City officials are hampered in their efforts to enforce municipal codes and ordinances without information regarding the current status and ownership of vacant residential real property; and

WHEREAS, vacant residential property necessitates expensive and disproportionate expenditures of public funds for preservation of the property, prevention of crime, and maintenance of adequate police, fire, and accident protection; and

WHEREAS, it is in the best interest of the citizens of the City of Villa Hills to ensure sufficient information is made available to City officials to assure effective maintenance and preservation of vacant residential property; and

WHEREAS, the Villa Hills City Council has the power to protect citizens and neighborhoods from the aforementioned problems associated with abandoned properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That Chapter 153 of the City of Villa Hills Code of Ordinances is hereby created as follows:

CHAPTER 153: VACANT RESIDENTIAL REAL PROPERTY REGISTRATION

153.01 PURPOSE.

(A) It is the purpose and intent of this chapter to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property because of the vacancy.

- (B) It is not the intent of this chapter to use these provisions to declare vacant for the purposes of this registry any property not in foreclosure or that is for sale or rent unless the property is in foreclosure.

153.02 DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CREDITOR. A federal or state chartered bank, savings bank, savings and loan association, or credit union, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

EVIDENCE OF VACANCY. Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, pools that are not being cleaned or maintained, and statements by neighbors, delivery persons, or government employees.

RESIDENTIAL REAL PROPERTY. Real property within the City with one to four dwelling units.

VACANT. Having no legal resident or tenant.

153.03 REGISTRATION.

(A) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential real property located within the City, a creditor shall inspect the residential real property to determine whether it is vacant. If the property is vacant, the creditor shall, on the same day the complaint of foreclosure is filed or the deed in lieu of foreclosure is executed, register the property as a vacant residential property with the City Administrator/Clerk for the purpose of minimizing hazards to persons and property because of the vacancy. Registration shall be made upon a form provided by the City and must be accompanied by the fee set forth in (D).

(B) After filing the complaint of foreclosure or executing a deed in lieu of foreclosure, a creditor must periodically inspect the property for evidence of vacancy. If a residential real property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, the creditor shall, within ten business days after obtaining knowledge of the vacancy, register the property as a vacant residential property with the City Administrator/Clerk and pay the fee set forth in (D).

(C) Registration of a residential real property as vacant shall include the address of the property and the name and contact information of a person located within the Commonwealth of Kentucky who is authorized to accept service of process on behalf of the creditor.

- (D) The annual fee for registering vacant residential property shall be sixty (60) dollars made payable to "City of Villa Hills" and submitted to the City Administrator/Clerk along with the required registration form. Should the property remain vacant for longer than one year, the creditor must renew the vacant property's registration by submitting a new registration form and annual fee to the City Administrator/Clerk.

153.04 MAINTENANCE.

For so long as the property remains vacant, the creditor must:

- (A) Keep the property free of garbage, litter, junk, debris, building materials and discarded personal items.
- (B) Keep the property free of graffiti, tagging or similar markings by removing it or painting over it with an exterior paint that matches the color of the exterior of the building.
- (C) Maintain the yard by removing weeds and dead vegetation, trimming overgrown plantings, and mowing the grass as seasonally appropriate.
- (D) Drain pools and ensure that they remain covered and free from accumulated water.
- (E) Secure all buildings, including outbuildings, on the property in order to protect them from intrusion by unauthorized persons, animals, birds and vermin.
- (F) Perform any maintenance or repairs necessary to ensure that the property does not violate the City's Property Maintenance Code, Building Code, or any other City ordinance, and that it does not otherwise constitute a nuisance.

153.05 ENFORCEMENT; PENALTIES.

- (A) The violation of any Section contained in this Chapter is a civil offense and shall be enforced in the same manner set forth in §§ 90.04 through 90.07 of this Code.
- (B) Any creditor that fails to register a vacant residential property with the City as required by § 153.03 shall be subject to a civil fine of One Hundred Dollars (\$100.00) payable to the City for each day that the property is not registered.
- (C) Any person, firm or corporation who violates any provision of this Chapter other than § 153.03 shall be subject to a civil fine of not less than \$100, but not more than \$500 per day per violation. Each date that a violation of this Chapter continues after a Notice of Violation or Citation has been served in accordance with the terms of this Chapter shall be deemed to constitute a separate offense subject to a separate fine, up to a maximum of \$5,000 per citation.

(D) In addition to the civil fines set forth in (C), any creditor who violates any provision of this Chapter more than once within a 12-month period may be assessed additional civil penalties of \$200 per day per violation to a maximum of \$5,000 per citation.

(E) The City shall possess a lien on property for all fines, penalties, charges, attorneys' fees, abatement costs if the City has incurred them, and all other reasonable costs associated with enforcing this Chapter, including the costs of placing a lien on a parcel of real property pursuant to this provision. The lien shall take precedence over all other subsequent liens, except state, county, school, and city taxes, and may be enforced by judicial proceedings.

Section II – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section III – Conflicting Ordinances Repealed

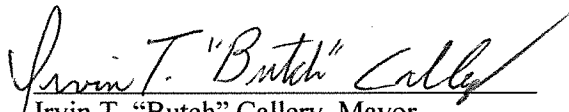
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section IV – Effective Date and Publication

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 15th day of April, 2015.

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class


Irvin T. "Butch" Callery, Mayor

ATTEST:


Craig T. Bohman, City Administrator/Clerk

Sponsor: Koenig

First Reading: May 18, 2015

Second Reading: April 15, 2015

Ayes: 6

Nays: 0

Abstentions: n/a

Absent: n/a

Published: 4-23-2015