

CITY OF BELLEVUE

ORDINANCE 2005-05-04

AN ORDINANCE AMENDING CHAPTER 33 OF THE BELLEVUE CODE OF ORDINANCES BY ADOPTING LANGUAGE TO ESTABLISH A SEPARATE CLASSIFICATION OF REAL PROPERTY KNOWN AS “ABANDONED URBAN PROPERTY,” TO ALLOW THE LEVYING OF THE HIGHEST PERMITTED TAX RATE ON ABANDONED URBAN PROPERTY WITHIN THE CITY, \$0.75 OF EACH \$100 OF ASSESSED VALUE OF PROPERTY, AND TO CREATE A POLICY AND MEANS OF APPEAL FOR OWNERS OF PROPERTIES DESIGNATED AS ABANDONED URBAN PROPERTY.

WHEREAS, the Kentucky General Assembly created a new section of KRS Chapter 92 that permits first through sixth class cities to levy a separate rate of taxation on abandoned urban properties and blighted and deteriorated properties within the city; and

WHEREAS, the city council of the City of Bellevue finds that abandoned urban properties and blighted and deteriorated properties require greater code enforcement activities by the city that results in a greater financial cost to the city; and

WHEREAS, the city council of the City of Bellevue finds that abandoned urban properties and blighted and deteriorated properties require an increased level of city services, such as police and fire protection;

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue that--because of the increased demand for city services and the expenditure of public tax dollars created by abandoned urban properties and blighted and deteriorated properties--the highest permitted tax rate should be imposed on such properties.

BE IT FURTHER ORDAINED THAT Chapter 33 of the City of Bellevue Code of Ordinances is hereby amended as indicated herein.

SECTION 1

§ 33.36 ABANDONED URBAN PROPERTIES CLASSIFIED AS REAL PROPERTY

Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation. As used in this section, “abandoned urban property” as defined in Section A or Section B below shall mean:

(A) Any vacant structure or vacant or unimproved lot or parcel of ground in the city that has been vacant or unimproved for a period of at least one (1) year and which:

(1) Because it is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use; or

(2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or

(3) Has been tax delinquent for a period of at least three (3) years.

(B) Any property in the city that has been identified as “blighted” or “deteriorated” and certified as such by the city administrative office or public services department. As used in this subsection, “blighted” or “deteriorated” property shall mean any vacant structure or vacant unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(1) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with any housing, building, property maintenance, plumbing, electric, fire or related codes; or

(2) Which because of physical conditions, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

(3) Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by any housing, building, property maintenance, plumbing, electric, fire or related code, has been designated as unfit for human habitation; or

(4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property; or

(5) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use; or

(6) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin; or

(7) Which has been tax delinquent for a period of at least three (3) years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

§ 33.37 RATE OF TAXATION FOR ABANDONED URBAN PROPERTIES

The rate of taxation levied upon abandoned urban properties is \$0.75 on each \$100.00 of assessed value.

§ 33.38 CLASSIFICATION OF PROPERTY AS ABANDONED URBAN PROPERTY; RIGHT TO APPEAL.

(A) The city shall each year determine which properties in the city are abandoned urban properties and shall prepare and furnish a list of abandoned and urban properties located in the city to the City Clerk and the Campbell County Valuation Administrator prior to January 1 or each year.

(B) Except as otherwise provided herein, a property classified by the city as abandoned urban property as of January 1 shall be taxed as abandoned urban property for such tax year. If the owner repairs, rehabilitates, or otherwise returns the property to productive use so that the property is no longer abandoned urban property, the owner shall notify the city, which shall, if it finds the property is no longer abandoned urban property, notify the City Clerk and the Campbell County Valuation Administrator to strike the property from the list of abandoned urban properties as of the succeeding January 1.

(C) No later than March 1 or each year, the city shall mail, by first-class mail, to the owner(s) of each abandoned urban property, as those name(s) are listed in the records of the Property Valuation Administrator, a notice that this property has been classified as abandoned urban property. The owner of any abandoned urban property who believes that his, her or its property has been incorrectly classified may appeal such classification to the city's Vacant Property Review Commission which shall certify properties as blighted or deteriorated to the city council. Such appeal shall be in writing and shall be made no later than April 1 of that year. The city shall afford the owner the opportunity for a hearing. If the Vacant Property Review Commission finds that the property was incorrectly classified as abandoned urban property, it shall cause the property to be removed from the list of properties so classified. The city shall develop polices and procedures for such appeals.

(D) A Vacant Properties Review Commission is hereby established pursuant to KRS 99.700 through 99.730 as may be amended from time to time.

1. The Commission shall be responsible for carrying out the functions and responsibilities concerning blighted and deteriorated properties, as granted by state statute and shall have the powers, duties and authority granted it by the Kentucky Revised Statutes the code of ordinances of the city as amended from time to time.

2. The Commission shall consist of a voting chairperson and two other voting members. The Commission members shall serve four-year terms, shall be resident real estate property owners in the city and shall be appointed by the mayor subject to approval by city council.
3. The Commission's duties shall be to certify properties as blighted or deteriorated to the city council; and, to timely hear appeals from owners of properties that have been determined to be abandoned urban property.
4. Any interested party may appeal a Commission's decision to the Campbell County Circuit Court within 30 days of the Commission's decision.

SECTION 2

Any ordinance or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3

Any section or part of a section or any provision of this ordinance which is declared by a court of appropriate jurisdiction, for any reason, to be invalid, such decision shall not affect or invalidate the remainder of this ordinance.

SECTION 4

This ordinance shall take effect and be in full force when read, passed and published according to law.

ATTEST:

John D. Meyer, Mayor

Mary H. Scott, City Clerk

1st Reading: _____

2nd Reading: _____

Publication: _____