

CITY OF BELLEVUE, KENTUCKY

Vacant Residential Property Registration Form

Ordinance 2015-05-01, 2020-09-01

This form shall be filled out in its entirety and submitted to the City Clerk’s Office of Bellevue with the fee of \$500.00 (initial fee)\$1,000.00(each subsequent year after the year of initial notification) payable to “City of Bellevue” 616 Poplar Street Bellevue Kentucky 41073.

(859) 431-8888 or fax (859) 308-3856.

Mary.scott@bellevueky.org

(Information on this form must be printed or typed)

Address of Vacant Property _____

Owner, Creditor, Lienholder or Lender Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Name of person located within the Commonwealth of Kentucky who is authorized to accept service on behalf of the Owner, Creditor, Lienholder or Lender _____

Phone Number _____ Email _____

Section 1

156B.01 PURPOSE – It is the purpose and intent of this chapter to establish a vacant residential and commercial property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property because of the vacancy.

156B.02 DEFINITIONS – for the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER Any person, company, corporation, LLC, partnership and/or other entity recognized by law having ownership of residential or commercial property in the City of Bellevue, whether by deed or other legal instrument or action of law or equity, including but not limited to adverse possession, land contract, or inheritance.

CREDITOR, LENDER, LIENHOLDER. Any person, corporation, entity, limited company, partnership, or other entity including but not limited to a federal or state chartered bank, savings bank, savings and loan association, credit union, and any entity acting on behalf of the aforementioned, including but not limited to debt servicers, mortgage servicers, foreclosure servicers, lienholders and lenders.

EVIDENCE OF VACANCY A 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 vegetation, accumulation of flyers, mail, or trash,

disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.

REAL PROPERTY Real Property within the city that is residential or commercial, whether a dwelling or commercial unit exists on the real property or not, raw commercial/residential land, and also including real property with one or more dwelling or commercial units thereon.

VACANT Having no reasonably identifiable resident, possessor, or tenant, whether residential or commercial.

156B.03 REGISTRATION AND FEES.

- (A) The City Clerk shall prepare, maintain and periodically update a registry of vacant residential and commercial property located in the City of Bellevue.
- (B) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a vacant residential and commercial real property that appears on the registry located within the City, a creditor, lender or lienholder as defined herein shall pay the fee set forth in paragraph (D).
- (C) All owners (as defined herein) shall pay the fee set forth in paragraph (D) at such time as owners vacate the residential or commercial real property, or when the City identifies the residential or commercial real property as vacant as set forth herein, upon notice to the owner or his/her/its agent, assign or successor in interest, ownership and/or title.
- (D) The initial fee for vacant residential or commercial property to be paid by a creditor, owner lender or lienholder shall be Five Hundred (\$500.) dollars made payable to "City of Bellevue" and submitted to the City Clerk no later than thirty (30) days after notice of vacancy by City, except lienholders, creditors and lenders preparing to file foreclosure as set forth in (B) above, who shall pay no later than thirty (30) days prior to any action set forth above in (B). Thereafter, an annual fee of One Thousand (\$1,000.) dollars is payable by all owners, creditors, lienholders and lenders no later than January 30th of each subsequent year after the year of initial notification, until such time that the property is no longer vacant.

156B.04 MAINTENANCE

For so long as the property remains vacant, an owner; or creditor / lienholder (after action is taken in foreclosure or the deed in lieu process) 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 the 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. This includes but is not limited to repairing broken windows or doors, and making sure doors and windows can be shut and properly locked.
- (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.

(G) If the City determines the property is in violation of the City's Property Maintenance Code, Building Code, or any other City Ordinance, the City may notify the owner, creditor, lienholder or lender of the violation by providing a Notice of Violation to them. A Notice of Violation shall include a description of the conditions that give rise to the violation and shall provide a period of not less than (5) days for the owner, creditor, lienholder, or lender to remedy the violation, or sooner if the violation results in an immediate danger to the health and well-being of the community.

156B.05 ENFORCEMENT; PENALTIES

- (A) If the owner, creditor, lienholder or lender fails to remedy the violation within the stated period, the City may issue a citation and impose penalties against the creditor for the violation. The owner, lienholder, lender and/or creditor shall be subject to a civil fine of not less than \$100.00 but no more than \$500.00 per day per violation. The City is hereby empowered to enter upon the property to abate the nuisance keeping account of the expense including but not limited to the labor and materials required for the abatement, and the expense shall be charge to and paid by the creditor.
- (B) The City shall possess a lien on property for all fines, penalties, charges, attorney's fees, abatement costs, and all other reasonable costs associated with enforcing this ordinance, 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.

Owner, Creditor, Lienholder or Lender Signature:

_____ Date: _____