

CITY OF BELLEVUE, KENTUCKY

ORDINANCE 2020-09-01

AN ORDINANCE AMENDING ORDINANCE NUMBER 2015-05-01, ESTABLISHING REGISTRATION PROCEDURES AND MAINTENANCE REQUIREMENTS FOR VACANT RESIDENTIAL AND COMMERCIAL PROPERTY LOCATED IN THE CITY OF BELLEVUE, KENTUCKY.

WHEREAS, Ordinance number 2015-05-01 was adopted by council and codified in the Bellevue Code of Ordinances at Chapter 156B;

WHEREAS, there exists in the City of Bellevue a number of vacant residential and commercial properties; and

WHEREAS, in many instances, owners, lenders, creditors and lien-holders fail to adequately secure and maintain vacant residential and commercial buildings and the land on which such buildings exist; and

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

WHEREAS, vacant residential and commercial 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 and commercial real property; and

WHEREAS, vacant residential and commercial 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 Bellevue to ensure sufficient information is made available to City officials to assure effective maintenance and preservation of vacant residential and commercial property; and

WHEREAS, Ordinance number 2015-05-01, as codified in Chapter 156B, needs to be amended to include owners, creditors, lenders, lienholders and their servicers, to include commercial properties, and to establish additional rules to assure effective maintenance and preservation of vacant residential and commercial property; and

WHEREAS, the Bellevue City Council has the power to protect citizens and neighborhoods from the aforementioned problems associated with vacant properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That Chapter 156B of the City of Bellevue Code of Ordinances is hereby amended as follows:

CHAPTER 156B: VACANT RESIDENTIAL AND COMMERCIAL REAL PROPERTY REGISTRATION

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. 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. Any person, corporation, entity, limited liability 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. 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, and statements by neighbors, delivery persons, or government employees.

RESIDENTIAL REAL PROPERTY. Real property within the City with one or more dwelling units. 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 legal 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 or 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 (C).
- (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 "Treasurer, 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 of creditor set forth above in (B). Thereafter, an annual fee of One Thousand Five Hundred (\$1,000~~500~~) 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, foreclosure action is dismissed, the property is sold at judicial sale, the property is reoccupied, or until the property is transferred to an unaffiliated third party.

156B.04 MAINTENANCE.

For so long as the property remains vacant, an owner, or creditor/lender/lienholder (after action is taken in foreclosure or the deed in lieu process) after the creditor has filed a foreclosure action or executed a deed in lieu of foreclosure, but prior to vestige of title in the creditor or third party, 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. 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 ereditor. 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 five (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 charged to and paid by the creditor.
- (B) The City shall possess a lien on property for all fines, penalties, charges, attorneys' 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.

SECTION II

All ordinances or parts of ordinances that are in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION III

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the time of publication as earliest time provided by law.

PASSED by the City Council of the City of Bellevue, Campbell County, Kentucky, assembled in regular session.

CITY OF BELLEVUE, KENTUCKY

By:
Charlie Cleves, Mayor

ATTEST:

Mary H. Scott, City Clerk

First Reading:
Second Reading:
Published: