

CITY OF HURSTBOURNE ACRES, KENTUCKY

ORDINANCE NO. 5, SERIES 2016

AN ORDINANCE REQUIRING REGISTRATION OF CERTAIN VACANT
RESIDENTIAL PROPERTIES

WHEREAS, the presence of vacant residential property may constitute a threat to the public health, general welfare, and safety of the residents of the City of Hurstbourne Acres, Kentucky; and

WHEREAS, the presence of vacant residential property may depreciate property values and contribute to the deterioration of surrounding neighborhoods; and

WHEREAS, the presence of vacant residential property may necessitate 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, city officials are hampered in their efforts to enforce municipal codes without information regarding the current status and ownership of vacant residential property; and

WHEREAS, it is in the best interest of the city to ensure sufficient information is made available to city officials to assure effective maintenance and preservation of vacant residential property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF HURSTBOURNE ACRES, KENTUCKY:

Section 1. Purpose.

It is the purpose and intent of this ordinance to establish a vacant residential property registration and maintenance program as a mechanism to protect neighborhoods and minimize hazards to persons and property as a result of the vacancy.

Section 2. Definitions.

As used in this ordinance:

- a) "Creditor" means 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; and
- b) "Residential property" means real property with one (1) to four (4) dwelling units.
- c) "Vacant" means a residential property with no legal resident or tenant. Evidence of vacancy includes 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.

Section 3. Registration.

- a) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential property located in the City of Hurstbourne Acres, a creditor shall inspect the property to determine whether the property 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 property with the City Clerk's Office of the City of Hurstbourne Acres, Kentucky in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy.

b) If a residential property becomes vacant at any time after a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure, but prior to vesting of title in the creditor or a third party, the creditor shall, within ten (10) business days after obtaining knowledge of the vacancy, register the property as a vacant property with the City of Hurstbourne Acres.

c) There shall be a fee of \$50 per property registered which shall be paid by creditor to the City at the time of registration.

Section 4. Maintenance.

- a) Registration of a residential property as a vacant property shall include the address of the property and the name and contact information of a person located within the Commonwealth who is authorized to accept service on behalf of the creditor.
- b) If a residential property becomes or remains vacant as provided in Section 3, but prior to vesting of title in the creditor or any third party, and the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the creditor of the violation by providing notice of the violation by certified mail, return receipt requested, to the person identified in subsection (a) of this section, and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.
- c) A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than twenty (20) days from the creditor's receipt of the notice for the creditor to remedy the violation.

Section 5. Enforcement.

- a) If the creditor fails to remedy the violation within the stated period, the city may issue a citation and impose fines and/or penalties against the creditor for violation of this ordinance.
- b) Any creditor that fails to register vacant residential property with the city within the time limits stated in this ordinance shall be subject to a civil penalty as follows:

First offense - a fine of \$50.00, if paid within 30 days of citation; and additional \$50.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

Second offense - a fine of \$100.00, if paid within 30 days of citation; and additional \$100.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

Third offense - a fine of \$500.00, if paid within 30 days of citation; and additional \$500.00 if not paid within 30 days of citation, plus interest at the rate of 1% per month, compounded monthly.

If a civil action is filed to collect an imposed fine and/or interest, or for equitable relief, then attorney fees and/or legal costs incurred by the City shall be charged as a cost against the violator in addition to the imposed fine and/or interest.

Section 6. This Ordinance shall become effective upon its passage and publication.

FIRST READING: October 13, 2016

SECOND READING: November 10, 2016

CITY OF HURSTBOURNE ACRES KENTUCKY



Mayor

ATTEST:

To be a true Ordinance enacted by the City Commissioners of the City of Hurstbourne Acres,
Kentucky on this 10th day of NOVEMBER, 2016.


Clerk, City of Hurstbourne Acres, Kentucky

VOTE:

FOR:	<u>4</u>
AGAINST:	<u>0</u>
ABSTAINED:	<u>0</u>
PRESENT:	<u>4</u>