

**CITY OF SOUTHGATE
CAMPBELL COUNTY, KENTUCKY
ORDINANCE NO. 12-04**

AN ORDINANCE ESTABLISHING REGISTRATION PROCEDURES FOR CERTAIN VACANT PROPERTY LOCATED IN THE CITY OF SOUTHGATE, KENTUCKY.

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

WHEREAS, in many instances, owners, lenders and lien holders 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 lien holders 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 Southgate to ensure sufficient information is made available to City officials to assure effective maintenance and preservation of vacant residential property; and

WHEREAS, the Southgate 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 SOUTHGATE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That Chapter 156 of the City of Southgate Code of Ordinances is hereby created as follows:

CHAPTER 156: VACANT RESIDENTIAL REAL PROPERTY REGISTRATION

156.01 PURPOSE.

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.

156.02 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, 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.

156.03 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 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 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 "Treasurer, City of Southgate" and submitted to the City 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 Clerk.

156.04 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.

156.05 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 § 156.03 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 § 156.03 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

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 earliest time provided by law.

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

CITY OF SOUTHGATE, KENTUCKY

By: _____
Jim Hamberg, Mayor

ATTEST:

Jody Anderson, City Clerk

First Reading: 3/7/2012
Second Reading: 3/21/2012
Published: 3/29/2012