

COMMISSIONERS ORDINANCE NO. 2014-005

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CREATING SECTION 100 OF TITLE IX, GENERAL REGULATIONS, OF THE CODE OF ORDINANCES CONCERNING THE REGISTRATION OF VACANT RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

WHEREAS, the presence of vacant residential property located within the City of Newport may constitute a threat to the public, health, general welfare and safety of its residents; and,

WHEREAS, the presence of such vacant residential property may depreciate real property values and contribute to the deterioration of surrounding neighborhoods and the City, in general; and,

WHEREAS, the presence of such vacant residential property may necessitate expensive and disproportionate expenditures of City funds for preservation of the said property, maintenance costs and the prevention of crime along with associated police, fire and accident protection; and,

WHEREAS, appropriate City personnel are hampered in their efforts to enforce various pertinent municipal codes without requisite information regarding the current status and ownership of such vacant residential property; and,

WHEREAS, it is in the best interest of the City to ensure sufficient information is made available to appropriate City personnel to assure effective preservation of such vacant residential property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That there is hereby created a new section of Title IX: General Regulations, Section 100, of the Code of Ordinances of the City of Newport, Kentucky to read, as follows:

TITLE IX: GENERAL OFFENSES**CHAPTER 100. REGISTRATION OF VACANT RESIDENTIAL PROPERTY****§ 100.01 PURPOSE.**

It is the purpose and intent of this Ordinance to establish vacant residential property registration requirements as a mechanism to protect neighborhoods, preserve real property, prevent or lower maintenance costs and minimize hazards to persons and property located within the City as a result of such vacancy.

§ 100.02 DEFINITIONS.

As used herein, the following terms shall be defined, as follows:

- (A) "Creditor" shall mean any person or any federal or state chartered bank, savings bank, savings and loan association, credit union or any other financial institution or entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers.
- (B) "Dwelling unit" shall mean a group of rooms located within any building, structure or house used for residential purposes, forming a single housekeeping unit with facilities which are designed and used for living, sleeping, cooking and/or eating.

- (C) "Residential property" shall mean any real property and the improvements, buildings, structures or house thereon, whether single or multi family, whether or not owner occupied, used for residential purposes, containing one (1) or more dwelling units.
- (D) "Vacant" shall mean a residential property having no legal resident or tenant. Evidence of vacancy may include any condition that, on its own or combined with other present conditions, would lead a reasonable person to believe that the property is uninhabited. Such conditions may include, but are not limited to, overgrown or dead vegetation; accumulation of flyers, mail or trash; rodent infestation; disconnected utilities; the absence of window coverings or furniture; broken and/or boarded up windows and entryways; neglect or lack of general maintenance; and, statements of neighbors, delivery persons or government employees as to the lack of occupancy. The abandonment or voluntary "walk away" by the owner of any residential property in which any Creditor holds a mortgage interest shall be considered as evidence of vacancy.
- (E) "Vacant Property Registration Form" shall mean a form publicly available from the Department of Development Services that Creditors and owners of vacant residential property subject to the requirements of this Ordinance must complete and submit as specified herein.
- (F) "Vacant, Foreclosed Residential Property" shall mean a vacant residential property upon which a Creditor has filed an action in foreclosure in Circuit Court in order to recover monies pursuant to a mortgage which is secured by residential property.

§ 100.03 REGISTRATION.

- (A) Within ten (10) business days of filing a foreclosure action on residential property that is vacant at the time of filing or within ten (10) days of the residential property becoming vacant after the filing, the Creditor shall

submit a Vacant Property Registration Form to the Department of Development Services.

- (B) No later than sixty (60) days after residential property becomes vacant, the owner of the residential property shall submit a Vacant Property Registration Form to the Department of Development Services.
- (C) Registration of any vacant residential property required to be registered herein shall include the residential property address, the name and address of the owner of the residential property, the name and address of the Creditor who has instituted a foreclosure action or the Creditor's authorized agent located within the Commonwealth of Kentucky for acceptance any notice required herein.
- (D) The Creditor of vacant, foreclosed residential property or owner of any vacant residential property shall notify the city's Department of Development Services within ten (10) business days of any change of information on the Vacant Property Registration Form. The Vacant Property Registration Form shall be maintained with accurate information until the Creditor or owner notifies the Department of Development Services in writing that the property has sold at a judicial sale, reoccupied or transferred to an unaffiliated third party. The name and address of the new owner or individuals occupying the property shall be provided in writing to the Department of Development Services.

§100.04 REGISTRATION FEES.

The Creditor of vacant, foreclosed residential property and the owner of vacant residential property shall pay an initial registration fee of \$500.00 and annually thereafter a \$500.00 registration fee until such time that the foreclosure

action is dismissed, the property is sold at a judicial sale, the property is reoccupied or until the property is transferred to an unaffiliated third party.

§ 100.06 PENALTY.

(A) Any Creditor of vacant, foreclosed residential property or owner of vacant residential property that fails to register such property with the Department of Development Services shall be subject to a civil fine of one hundred (\$100.00) dollars for each day of the violation.

(B) Failure to maintain accurate information once having registered the property shall constitute a violation and shall be subject to a civil fine of one hundred (\$100.00) dollars for each day of the violation.

SECTION II

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION III

That this Ordinance shall be signed by the Mayor and attested to by the City Clerk, recorded, published in full and is effective upon publication.

PASSED: First reading: February 24, 2014
PASSED: Second reading: March 24, 2014

JERRY R. PELUSO, MAYOR

ATTEST:

AMY B. ABLE, CITY CLERK

PUBLISHED: In summary in the Campbell County Recorder the 3rd day of April 2014.