

CHAPTER 158: VACANT RESIDENTIAL PROPERTY REGISTRATION

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§158.01 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 as a result of the vacancy.

(Ord. 2015-20, passed 11-23-15)

§158.02 DEFINITIONS.

For the purpose 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.

RESIDENTIAL PROPERTY. Any real property with one to four dwelling units.

VACANT. Any 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.

(Ord. 2015-20, passed 11-23-15)

§158.03 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 Carrollton, 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 Carrollton, Kentucky in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy. Registration shall be made upon a form provided by the city and must be accompanied by the fee set forth in division (D) of this section.

(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 business days after obtaining knowledge of the vacancy, register the property as a vacant property with the City of Carrollton and pay the fee set forth in division (D) of this section. The property management company shall inspect the property every 30 days to determine if the property is in compliance with the requirements of this chapter.

(C) 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.

(D) The annual fee for registering vacant residential property shall be 60 dollars made payable to the City of Carrollton and submitted to the City Clerk at 750 Clay Street, P.O. Box 156, Carrollton, Kentucky 41008. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

(E) Properties subject to this chapter shall remain under the annual registration requirement of this section as long as they remain vacant. Any person, firm or corporation that has registered a property under this chapter must report any change of information contained in the registration within ten business days of the change.

(F) Properties subject to this chapter shall be posted with the name and a 24-hour contact phone number of the local property management company. The posting shall be no less than 18"x24" and shall be of font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words THIS PROPERTY MANAGED BY and TO REPORT PROBLEMS OR CONCERNS CALL. The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property. Exterior postings must be constructed of and printed with weather resistant materials.

(Ord. 2015-20, passed 11-23-15)

§158.04 MAINTENANCE.

(A) If a residential property becomes or remains vacant as provided in §158.03, 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 a warning of violation by certified mail, return receipt requested, to the person identified in ' 158.03(C), and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.

(B) A warning of violation shall include a description of the conditions that give rise to the violation with and shall provide a period of not less than 20 days from the creditor's receipt of the notice for the creditor to remedy the violation.

(Ord. 2015-20, passed 11-23-15)

§158.05 ENFORCEMENT.

(A) If the creditor fails to remedy the violation within the stated period, the city may issue a citation and impose penalties against the creditor for violation of any ordinance regulating a nuisance in accordance with creditor §92.99 Penalty.

(B) Any violation of this chapter is hereby classified as a civil offense, pursuant to KRS 65.8808, to be enforced by the Code Enforcement Board ("Board") in accordance with the procedures set forth in Code Enforcement Board Ordinances §35.140 through §35.153. Any person, business, business entity, firm, corporation, partnership or other entity which violates any provision of this chapter shall be subject to a civil penalty as set forth below. Each day of violation shall constitute a separate offense. If the offender

does not pay the penalty within 30 days after being cited for the offense, then the civil penalty may be recovered by the city in a civil action in the nature of a debt.

(1) If a citation for a violation of an ordinance is not contested by the person, business, business entity, firm corporation, partnership or other entity charged with the violation, the penalty shall be \$100; however, the Code Enforcement and Nuisance Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

(2) If the citation is contested and a hearing before the Board is required, the maximum penalties which may be imposed at the discretion of the Board is \$200.

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