

CITY OF ROLLING HILLS
ORDINANCE NO. 3, SERIES 2018

AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NUMBER 12, SERIES 2013 AND ANY OTHER ORDINANCES RELATING TO THE REGISTRATION OF CERTAIN VACANT PROPERTIES WITHIN THE CITY & ADOPTING A NEW ORDINANCE REQUIRING THE REGISTRATION OF CERTAIN VACANT RESIDENTIAL PROPERTIES WITHIN THE CITY OF ROLLING HILLS

BE IT ORDAINED by the City of Rolling Hills, a municipal entity organized and existing pursuant to the laws of the Commonwealth of Kentucky;

WHEREAS, the City desires to repeal all ordinances relating to the registration of vacant properties and adopt one ordinance for clarity and ease of understanding;

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 Rolling Hills;

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

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, and accident protection;

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

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, it is hereby ordained by the City of Rolling Hills as follows:

SECTION 1: REPEAL

Any and all ordinances relating to parking are hereby repealed in their entirety.

SECTION 2: 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 the health, safety, and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings.

SECTION 3: DEFINITIONS

For purposes of this Ordinance, the following terms, words and phrases shall have the following meanings, respectively:

1. 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.
2. Residential Property- means real property that is for single family or multifamily residential use.
3. Commercial Property-refers to real property that is used for business activities, land that is intended to generate a profit, real estate that is used solely for business purposes and that is commonly, but not always, leased out to provide a workspace rather than a living space.
4. 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 4. SCOPE

The provisions of this ordinance shall apply to all existing residential and commercial properties and structures in the City of Rolling Hills, regardless of condition, including all vacant land in the City of Rolling Hills.

SECTION 5. REGISTRATION

1. Owners of real property are required to register all vacant properties with the City Clerk of the City of Rolling Hills within thirty (30) days of the property becoming vacant. Structures that are vacant property at the time of the adoption of the ordinance must register within thirty (30) days of the date of this ordinance taking effect.
2. Owners who are required to register their properties under this ordinance shall submit to the City Clerk the following information:
 - a. The name of the owner of the property.
 - b. Common address and tax parcel identification number of the property.
 - c. The date on which the property became vacant.

- d. Affirmation of utility connections or disconnections.
 - e. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the owner has failed to comply with this requirement.
 - f. The name of an individual responsible for the care and control of the property. Such individual may be the owner, if the owner is an individual, or may be some person or organization other than the owner with whom the owner has contracted.
 - g. A current address, phone number, fax, and email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the owner or an individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be proof that the owner has failed to comply with this requirement.
 - i. If the owner is a corporation, the registration shall provide the names and residence addresses of all officers of the corporation;
 - ii. If the owner is an estate, the registration shall provide the name and business address of the executor or administrator of the estate;
 - iii. If the owner is a trust, the registration shall provide the name and address of the trustee;
 - iv. If the owner is a partnership, the registration shall provide the names and residence addresses of the general partner;
 - v. If the owner is an individual, the registration shall provide the name and residence address of that individual person.
3. Registration Fee shall be set by the City of Rolling Hills by municipal order from time to time, to offset the cost of processing the form and administering compliance with this ordinance. In addition, in the case where the owner has failed to register, there shall be assessed any added cost incurred by the City in having to determine ownership, which may include, but is not limited to a title search.
4. Requirement To Update Information. If at any time the information contained in the registration form is no longer valid, the property owner shall within thirty (30) days file a new registration form containing current information. There shall be no fee to update the current owner’s information.

5. Renewal of Registration. Structures subject to this ordinance shall remain under the registration requirement as long as they remain vacant. This registration must be renewed and the registration fee paid at the end of each year if the structure on the property is still vacant.
6. Removal from Registry. A real property owner, or agent of such owner, may apply to remove a property from the city vacant structure registry at such time as the property no longer contains vacant structure. Such application may be submitted to the city. The City Commission shall grant or deny such application within thirty (30) days.

SECTION 6. MAINTENANCE

1. If a residential or commercial property becomes or remains vacant and the city determines the property is in violation of any city ordinance regulating nuisances, or any other ordinance relating to public safety, the city may notify the owner, or other contact person of record in the registration, of the violation by providing notice of the violation by certified mail, and require that the violations be corrected.

2. A notice of violation shall include a description of the conditions that give rise to the violation with the notice of the violation and shall provide a period of not less than two weeks from the recipient's receipt of notice to remedy the violation.

SECTION 7. ADMINISTRATIVE PROCEDURS/APPEALS

Any person aggrieved by the refusal the City to approve an application for removal from the vacant structure registry may appeal the denial or other determination by filing with the city within ten (10) business days after the date of the denial or other determination, a written notice of the appeal setting forth the grounds therefore. The City shall act upon the appeal by placing the appeal on the next regularly scheduled City meeting and after reasonable discussion shall either affirm the decision or overturn the decision, with or without conditions.

SECTION 8. ENFORCEMENT

1. If the property owner fails to remedy the violation within the stated period, the city may issue a citation and impose a fine against the creditor in the amount of \$150.00 per violation. Each day that a residential property remains in violation shall constitute a separate offense. |
2. Any property owner that fails to register a vacant residential property with the city or fails to update or renew a registration, shall be subject to a civil fine of \$150.00 payable to the city for each day of delinquency.

FURTHER, this ordinance shall take effect upon approval, passage and publication as required by law.

First Reading _____

Second Reading _____

Passed and Approved _____

Mayor

City Clerk

Votes in Favor _____

Votes Opposed _____