

**COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
KENTON COUNTY, KENTUCKY**

ORDINANCE NO. 950.87

**AN ORDINANCE OF THE KENTON COUNTY FISCAL COURT ESTABLISHING
REGISTRATION PROCEDURES FOR VACANT OR ABANDONED FORECLOSED
PROPERTY LOCATED IN KENTON COUNTY.**

WHEREAS, the presence of vacant residential property in foreclosure may constitute a threat to the public health, general welfare, and safety of the citizens of Kenton County, **AND**

WHEREAS, the presence of vacant residential property in foreclosure may depreciate property values and contribute to the deterioration of surrounding neighborhoods, **AND**

WHEREAS, the presence of vacant or abandoned buildings in foreclosure can discourage potential buyers from purchasing property adjacent to, or within the area of, vacant and abandoned property, **AND**

WHEREAS, in many instances, the owners, lenders, and lienholders fail to adequately maintain and secure these vacant or abandoned foreclosed properties, and code enforcement officials are hampered in their efforts to enforce various building and nuisance codes without information regarding the current status of ownership of vacant and abandoned foreclosed properties, **AND**

WHEREAS, it is in the best interests of Kenton County to ensure sufficient information is made available to code enforcement officials to assure effective maintenance and preservation of vacant and abandoned foreclosed properties.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court, County of Kenton, Commonwealth of Kentucky, that:

Section I

(1) Purpose – It is the purpose and intent of the Kenton County Fiscal Court, through the adoption of this Chapter, to establish a vacant and abandoned residential property registration program for properties in foreclosure as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant and abandoned foreclosed properties.

(2) Severability - The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

(3) Remedies – The provisions of this code shall not be construed to abolish or impair existing or other remedies of the County or its officers or agencies relating to the removal or demolition of any buildings that are dangerous, unsafe, or unsanitary.

(4) Effective Date – This Ordinance shall take effect and be in full force thirty (30) days from and after its passage.

Section II

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning of the word being defined:

VACANT OR ABANDONED – A property with no legal resident or tenant. Evidence of vacancy or abandonment 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 or abandoned. 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, furnishings, and/or personal items consistent with habitation, and statements by neighbors, delivery persons, or government employees indicating an absence of inhabitants.

CREDITOR – 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.

DWELLING UNIT – 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.

PROPERTY – Any real property and the improvements, buildings, structures, houses, or residential units thereon, whether single or multi-family, whether or not owner occupied, used for residential purposes, containing one (1) or more dwelling units.

OWNER - Any person, co-partnership, association, corporations, fiduciary or other legal entity having a legal or equitable title or any interest in any real property.

Section III

(1) Prior to filing a complaint of foreclosure or executing a deed in lieu of foreclosure on property located in Kenton County, a petitioning Creditor or Owner shall inspect the property to determine whether the property is vacant or abandoned. If the property is vacant or abandoned, the petitioning Creditor or Owner shall, within ten (10) days of filing the complaint for foreclosure or the deed in lieu of foreclosure is executed, register the property as a vacant property with Planning and Development Services of Kenton County for the purpose of minimizing hazards to persons and property values as a result of the vacancy.

(2) If a property is occupied, but remains in default and subject to an action for foreclosure, the property shall be inspected by the petitioning Creditor, Owner, or its designee, no less than once every thirty (30) days until:

- a. The foreclosure action is dismissed, OR
- b. The property is transferred to an unaffiliated third party via Master Commissioner's deed, OR
- c. The property is otherwise transferred to an unaffiliated third party.

(3) Within ninety (90) days of this ordinance becoming effective, the petitioning Creditor or Owner of any complaint of foreclosure shall inspect any property which is the subject of the legal action to determine whether the property is vacant or abandoned. If the property is vacant or abandoned, the petitioning Creditor or Owner shall, within ten (10) business days after inspecting the property, register the property as a vacant property with Planning and Development Services of Kenton County for the purpose of minimizing hazards to persons and property values as a result of the vacancy.

(4) If a 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 Planning and Development Services of Kenton County.

(5) The petitioning Creditor or Owner of vacant property shall pay an initial registration fee of One Hundred Fifty Dollars (\$150.00) renewable annually thereafter until such time that the foreclosure action is dismissed, the property transferred to an unaffiliated third party via Master Commissioner's deed, the property is legally reoccupied, or the property is otherwise transferred to an unaffiliated third party.

Section IV

Registration of a property as a vacant foreclosed property shall include the address of the property, the name of the petitioning Creditor or Owner, and the name, address, and telephone number of a person located within the Commonwealth of Kentucky who is authorized to accept service of process on behalf of the Creditor or Owner.

Section V

Any Owner or Creditor that fails to register vacant residential foreclosed property with Planning and Development Services of Kenton County shall be subject to a civil fine of one hundred dollars (\$100.00) for each day of delinquency.

Adopted this 9th day of November, 2016.

1st Reading October 25, 2016
2nd Reading November 9, 2016

Vote:

Yes; X No; _____,

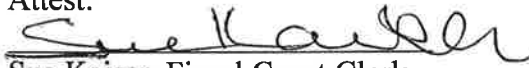
Fiscal Court of
Kenton County, Kentucky

By:



Kris Knocheimann
Judge/Executive

Attest:



Sue Kaiser, Fiscal Court Clerk