

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 16-01

AN ORDINANCE ENACTING
ABANDONED AND VACANT PROPERTY REGISTRATION PROVISIONS

Summary

This Ordinance establishes an abandoned/vacant residential property registration program requiring that abandoned property which is vacant and in violation of any ordinance of the City of Maysville be registered with the City within sixty (60) days after abandonment. The Ordinance provides that no later than one year after residential property becomes vacant, the owner shall register with the Codes Enforcement Officer. The owner shall notify the Codes Enforcement Officer within ten (10) days of any change of information. There is no fee to register residential property. Vacant and abandoned property shall be posted with a name and 24-hour contact phone number of the person responsible for maintenance. The person responsible for maintenance of the property shall inspect it every thirty (30) days. The abandoned or vacant property shall be maintained free of leaves, debris, and graffiti. The yards shall be landscaped and maintained. Pools shall be kept in working order. Doors and windows shall be weather tight and secured. The buildings shall be maintained in good repair.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

- (1) Code of Ordinances Chapter 201 is hereby enacted to read in its entirety as follows:

CHAPTER 201: ABANDONED PROPERTY LICENSING

§ 201.01 GENERAL PROVISIONS.

- (A) *Purpose.* It is the purpose and intent of the City of Maysville, through the adoption of this Chapter, to establish an abandoned/ vacant residential property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance.
- (B) The provisions herein shall not apply to property not used for residential purposes.

§ 201.02 DEFINITIONS.

- (A) *Undefined words.* Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary, or the Codes adopted by §270.01.
- (B) *Generally.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Abandoned" means a property that is vacant and is in violation of any ordinance of the City of Maysville or otherwise in violation of local, state, or federal law. Evidence of abandonment may include, but is not limited to, overgrown or dead vegetation; rodent infestation; broken windows and entry ways; and neglect or lack of general maintenance
- (2) "Building" means any structure, including but not limited to residence buildings and including but not limited to mobile home trailers.
- (3) "Days" means consecutive calendar days excluding weekends and holidays.
- (4) "Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at a Master Commissioner sale to satisfy the debt if the lienholder (borrower) defaults.
- (5) "Landscape" includes but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, and decorative rock, bark, or artificial turf/sod designed especially for residential installation. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet, or any similar material.
- (6) "Owner" means any person, co-partnership, association, corporation, fiduciary, or other legal entity having legal or equitable title or any interest in any real property.
- (7) "Residential Property" means any real property or portion thereof, situated in Maysville, Kentucky, designed or permitted to be used for dwelling purposes, and shall include the buildings, structures, and fixtures located on such real property regardless of the condition of the property. This includes any real property being offered for sale, trade, transfer, or exchanges as "residential" whether or not it is legally permitted and/or zoned for such use. This also includes real property designed or permitted to be used for dwelling purposes despite the presence of other additional uses.
- (8) "Structure Extensions" includes but is not limited to, balconies, porches, canopies, marquees, signs, metal awnings, cornices, stairways, fire escapes, standpipes, exhaust ducts, and similar features.
- (9) "Vacant" shall mean property that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is not legally occupied. Such conditions include but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk, and/or debris, the absence of window coverings such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with lawful habitation, statements by neighbors, passersby, delivery agents, and/or government employees that the property is not legally occupied.

§ 201.03 REGISTRATION OF ABANDONED AND VACANT PROPERTY.

- (A) No later than sixty (60) days after residential property becomes abandoned, the owner of the residential property shall submit an Abandoned/Vacant Property Registration Form to the Codes Enforcement Officer.

- (B) No later than one (1) year after residential property becomes vacant, the owner of the residential property shall submit an Abandoned/Vacant Property Registration form to the Codes Enforcement Officer.
- (C) Registration of any abandoned residential property or vacant residential property required to be registered herein shall include the residential property address, the name, phone number, and address of the owner of the residential property. Registration shall include the 911 address of the subject property.
- (D) The owner of any registered abandoned residential property or vacant residential property shall notify the Codes Enforcement Officer within ten (10) business days of any change of information on the Abandoned Property Registration Form. The Abandoned/Vacant Property Registration Form shall be maintained with accurate information until the owner notifies the Codes Enforcement Officer, in writing, that the property has sold, is reoccupied, or transferred to an unaffiliated third party. The name and address of the new owner(s) or individual(s) occupying the property shall be provided, in writing, to the Codes Enforcement Officer.
- (E) Failure to register the residential property as set out herein shall be considered a violation of this Chapter.

§ 201.04 REGISTRATION FEE.

- (A) There shall be no fee to register residential property with the Codes Enforcement Officer under this Chapter.

§ 201.05 POSTING AND INSPECTION OF RESIDENTIAL PROPERTY.

- (A) Any residential property required to be registered as set out in this Chapter shall be posted with the name and a twenty four (24) hour contact phone number of the person responsible for the maintenance. The postings shall be no less than eighteen (18) inches by twenty four (24) inches and shall be of font that is legible from a distance of forty five (45) feet and shall contain along with the name and twenty four (24) hour contact number the words, "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be secured on the exterior of a window or door facing the street to the front of the residential 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 residential property.
- (B) The person responsible for maintenance of the residential property or the local property management company shall inspect the residential property every thirty (30) days to determine if the residential property is in compliance with the requirements of this Chapter. Compliance with this inspection requirement shall not diminish the obligation of

the registrant to perform regular maintenance that would be expected between inspections, including but not limited to grass cutting and weed control.

§ 201.06 STANDARDS AND CONDITIONS.

(A) The following Standards and Conditions shall be met for all residential property required to be registered under this Chapter:

- (1) The residential property shall comply with all provisions of the applicable city fire, zoning, life safety, housing, nuisance, property maintenance, and/or building codes.
- (2) The residential property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulations of newspapers, circulars, flyers, and notices, except those required by § 201.05 of this Chapter, federal, state, or local law.
- (3) The residential property shall be maintained free of discarded personal items including but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned.
- (4) The residential property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- (5) Visible front and side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.
- (6) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case, residential properties with pools and/or spas must comply with the minimum security fencing requirements of the Commonwealth of Kentucky.
- (7) Doors, windows, areaways, and other openings are to be weather tight and secured against entry by birds, vermin, and trespassers.
- (8) The building shall be maintained in good repair, structurally sound, free garbage, and sanitary so as not to pose a threat to the public health or safety.
- (9) All structure extensions shall be in good repair, anchored, safe, and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (10) Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (11) Yard walks, steps, and openings in sidewalks shall be safe for pedestrian travel.
- (12) Accessory and appurtenant structures such as garages, sheds, and fences shall be free of safety, health, and/or fire hazards.
- (13) All connections to sanitary sewers and lateral lines shall be completely functional and not allow for the escape of effluent onto or into the ground and in compliance with state standards for sanitary sewers.

(14) Adherence to this section does not relieve the property owner of any obligations set forth in any Covenants, Conditions, and Restrictions and/or Homeowners Association rules and regulations which may apply to property.

(B) If a party responsible to register the residential property fails to maintain the property pursuant to the Standards and Conditions listed in § 201.06(A), the party registered with the Codes Enforcement Officer shall be notified of such violation and notice shall be sufficient if provided to the contact listed on the Abandoned/Vacant Property Registration Form. If the party responsible to register the residential property fails to register the residential property with the Codes Enforcement Officer, notification shall be sufficient if posted upon any exterior door of the residential property subject to the violation.

(C) If a party not responsible to register the residential property fails to remedy a violation of the Standards and Conditions as directed, and after proper notice pursuant to §201.06 (3), it shall constitute a violation of this Chapter

§ 201.07 REMEDIES NOT EXCLUSIVE.

The remedies provided herein are not to be deemed exclusive. They shall be in addition to and do not supersede or preempt other remedies such as condemnation, written violation orders and warnings, and/or criminal charges for violation of substantive provision of any city or state codes relating to fire, zoning, life safety, property maintenance, and/or buildings.

§ 201.08 PROMULGATION OF RULES AND REGULATIONS.

The Codes Enforcement Officer, with the approval of the City Manager, shall have authority to issue and promulgate such rules and regulations as he or she may consider necessary for the administration of this Chapter, provided such rules and regulations are not inconsistent with the provisions hereof.

§ 201.09 SEVERABILITY.

If any section or part of a section of this Chapter is found to be unconstitutional or otherwise invalid, such part shall be deemed severable and the invalidity of that section or part of a section shall not affect the remaining parts of this Chapter and the same shall remain in full force and effect unless amended or revoked by subsequent ordinance.

§ 201.10 EFFECTIVE DATE.

This Chapter shall be in full force and effect July 1, 2016.

§ 201.99 PENALTY.

(A) Any person who violates any provision of this chapter shall have committed a civil offense pursuant to the authority of KRS 65.8808. The Codes Enforcement Board shall have power to issue remedial orders and impose civil fines to enforce this section. Enforcement of this section shall be in accordance with the procedures outlined in the Codes Enforcement Board Ordinance in Chapter 195. Civil fines for violations of this Chapter shall be those set forth in §11.01 (B)(8) for an owner of abandoned or vacant residential property.

(B) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing this chapter and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board, and city taxes.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this _____ 2015.

David W. Cartmell, Mayor

Passed on the 1st reading: 10 December 2015.
Adopted on the 2d reading: _____ 2015.
Recorded by Clerk: _____ 2015.
Signed by Mayor: _____ 2015.
Published by Summary and
Section 201.99
Published in Full _____ 2015.

ATTEST:

Lisa R. Dunbar, City Clerk

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CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

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