

CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021#14

AN ORDINANCE AMENDING § 157.02, § 157.03, and § 157.04 OF THE DAYTON CODE OF ORDINANCES TO ADD THE DEFINITIONS “ACTIVELY REHABBING” AND “PUBLICALLY ADVERTISED” TO THE DEFINITIONS SECTION, CHANGING REGISTRATION REQUIREMENTS, INCLUDING TIME PERIOD FOR FILING A REGISTRATION AND WITH WHOM IT IS FILED, AND CHANGING THE FEES PAID TO REGISTER VACANT PROPERTY IN THE CITY FROM A \$500 ANNUAL PAYMENT TO \$500 FOR THE FIRST SIX MONTHS A PROPERTY IS VACANT, \$500 FOR THE NEXT SIX MONTHS IT REMAINS VACANT, AND \$1,000 ANNUALLY THEREAFTER.

WHEREAS, vacant, blighted, and abandoned property in the city are nuisances, which bring down property values and adversely impact the quality of life of the residents of the City of Dayton, Kentucky; and

WHEREAS, City seeks to encourage the creditors and owners of vacant properties to bring these properties in compliance with city, county, and state building codes and regulations in a timely manner.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON, KENTUCKY, THAT THE CHAPTER 157 OF THE CITY CODE OF ORDINANCES IS AMENDED AS FOLLOWS:

Section I.

§ 157.02 DEFINITIONS.

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

“ACTIVELY REHABBING.” Actively making repairs, alterations, additions, or other improvements to a vacant property. Failure to conduct construction work on such a property for more than seven consecutive days will be prima facie evidence the property is not being actively rehabbed. Failure to obtain all permits and license fees required by the Campbell County Planning and Zoning Department, including building and zoning permits, and the City of Dayton, including occupational license fees for contractors working on the property, will be prima facie evidence that the property is not being actively rehabbed.

“PUBLICLY ADVERTISED.” Property listed for sale or rental by a real estate agent hired by the property owner, placed by the property owner on the MLS Multiple Listing Service, Zillow, or other similar online service, or advertised by the property owner through signage on the property and/or in media publications or online platforms.

“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.

“VACANT.” Any real 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 property in which any creditor holds a mortgage interest shall be considered as evidence of vacancy.

“VACANT PROPERTY REGISTRATION FORM.” A form that creditors and owners of vacant property subject to the requirements of this chapter must complete and submit as specified herein.

“VACANT, FORECLOSED PROPERTY.” A vacant 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 real property.

§ 157.03 REGISTRATION.

(A) Within ten (10) business days of a creditor filing a foreclosure action on real property that is vacant at the time of filing or within ten (10) days of the real property becoming vacant after the filing, the creditor shall complete and submit a vacant property registration Form to the ~~City Clerk/Treasurer~~ City Code Enforcement Director or his or her designee.

(B) ~~For all other vacant real property, No later than sixty (60) days after real this property becomes vacant, the owner of the residential this property shall complete and submit a vacant property registration Form to the City Clerk/Treasurer City Code Enforcement Director or his or her designee. If the property owner is actively rehabbing the property or has publicly advertised it for sale or rental, the property owner may request, in writing, that the City grant an additional sixty (60) day extension to this registration requirement. This requirement shall be defended for an additional one hundred and eighty (180) days from the date of vacancy if the real property is listed for sale by the property owner or purchased for rehab and occupancy or resale.~~

(C) Registration of any vacant real property under this provision ~~required to be registered herein~~ shall include the ~~real property~~ address of the real property, the name and address of the owner of the real property, the name and address of the ~~C~~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, if applicable.

(D) The creditor of vacant, foreclosed real property or owner of any vacant real property shall notify the ~~City Clerk/Treasurer~~ City Code Enforcement Director or his or her designee, 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 ~~City Clerk/Treasurer~~ City Code Enforcement Director or his or her designee, 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 ~~City Clerk/Treasurer~~ City Code Enforcement Director or his or her designee.

§ 157.04 REGISTRATION FEES.

(A) The creditor of vacant, foreclosed property ~~and or~~ the owner of vacant real property shall pay an initial registration fee of five hundred dollars (\$500.00), ~~and if the property remains vacant for more than six (6) months thereafter, then the property owner shall pay second \$500 registration fee, and annually, thereafter a five hundred 500.00) registration fee for each year after payment of the initial registration fee, the creditor or property owner shall pay one thousand dollars (\$1,000) annual 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.

(B) If registering property under § 157.03(B), ~~the same fee schedule set forth § 157.04(A) shall apply; however, in~~ payment of the initial registration fee may be deferred ~~by the property owner~~ for ninety (90) days from the date of registration if the real property is ~~publicly advertised listed~~ for sale or rental by the ~~property owner or the property owner is actively rehabbing the property purchased for rehab and occupancy or resale. The city may grant a~~ A second deferment from paying the registration fee for a period of ~~another one hundred eighty (180) ninety (90) days may be granted upon written request from the property owner to City Code Enforcement Director or his or her designee, but only if the real property is still publicly advertised listed for sale or rental by the property owner or still undergoing rehab for occupancy or resale and the property owner provides proof that a reasonable effort is being made to sell or rehab the real property.~~

Section II.

This ordinance shall be in full force and effect from and after its adoption, approval, and publication as is required by law.

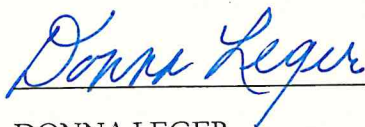
First Reading: Aug. 3, 2021

Second Reading: 9-7-2021

PASSED this 7 day of Sept, 2021.


MAYOR BEN BAKER

ATTEST:



DONNA LEGER

CITY CLERK/TREASURER