

## CHAPTER 158: REGISTRATION OF CERTAIN VACANT RESIDENTIAL PROPERTIES

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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 means of protecting neighborhoods and to minimize hazards to persons and property that result from the vacancy.  
(Ord. 11-02-01, passed 2-21-11)

### § 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.** Real property with one to four dwelling units.

**VACANT.** 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.  
(Ord. 11-02-01, passed 2-21-11)

**§ 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 Benton, Kentucky, 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 of the City of Benton, Kentucky, for the purpose of minimizing hazards to persons and property as a result of the vacancy of that property.

(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 Clerk of the City of Benton, Kentucky.

(Ord. 11-02-01, passed 2-21-11) Penalty, see § 158.99

**§ 158.04 MAINTENANCE.**

(A) Registration of a residential property as a vacant property shall include providing the address of the property and the name and contact information of a person located within the State of Kentucky who is authorized to accept service on behalf of the creditor.

(B) 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 or a building code, the city may notify the creditor of the violation by providing notice of the violation by certified mail, return receipt requested, to the person identified in division (A) hereof and the city may require the creditor to correct the violation to the extent consistent with the terms of any mortgage on the property.

(C) A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation 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. 11-02-01, passed 2-21-11)

**§ 158.99 PENALTY.**

(A) If the creditor fails to remedy the violation within the stated period, the city may issue a citation, file it with the city's Code Enforcement Board and penalties may be imposed by the Board against the creditor for violation of any ordinance regulating a nuisance in the City of Benton, Kentucky.

(B) Any creditor that fails to register vacant residential property with the city shall be subject to a civil fine of \$100 payable to the city for each day of delinquency.

(Ord. 11-02-01, passed 2-21-11)