

CHAPTER 151: BLIGHTED OR DETERIORATED PROPERTY

Section

- 151.01 Existence of blighted or deteriorated property
- 151.02 Definitions
- 151.03 Vacant Property Review Commission
- 151.04 Unlawful interest in property
- 151.05 City's power of eminent domain
- 151.06 Procedure for determination of blight or deterioration
- 151.07 Institution of eminent domain proceedings

Cross-reference:

Tax rate on abandoned urban property, § 35.10
Property Maintenance Code, see Ch. 157

§ 151.01 EXISTENCE OF BLIGHTED OR DETERIORATED PROPERTY.

It is hereby declared that there exists in the city blighted and deteriorated properties and that there is a need in the city for the exercise of powers, functions and duties conferred by House Bill 762 of the 1984 regular session of the Kentucky General Assembly, being KRS 99.700 through 99.730.
(Ord. passed 7-2-84)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLIGHTED or DETERIORATED PROPERTY. Any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood:

(1) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the city housing, building, plumbing, fire or related codes;

(2) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures;

(3) Which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the city [i.e., Chapter 153], has been designated by the department responsible for enforcement of the code as unfit for human habitation;

(4) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;

(5) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its untended use;

(6) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or haven for rodents or other vermin;

(7) Which has been tax delinquent for a period of at least three years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

COMMISSION. The Vacant Property Review Commission established by this chapter.

REDEVELOPMENT. The planning or replanning, design or redesign, acquisition, clearance, development and disposal or any combinations of these, of a property in the preparation of such property for residential, and related uses as may be appropriate or necessary.

RESIDENTIAL AND RELATED USES. Residential property for sale or rental uses; including, but not limited to, park and recreation areas, neighborhood community services, and neighbor hood parking lots.

(Ord. passed 7-2-84)

§ 151.03 VACANT PROPERTY REVIEW COMMISSION.

(A) There is established a Vacant Property Commission which shall review vacant properties to make a written determination of blight and deterioration and who shall perform such other acts as are authorized by law.

(B) The Commission shall be composed of five members appointed by the Mayor with the approval of the City Council.

(C) Members of the Commission shall serve for a term of four years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that one member is appointed for one year, one member is appointed for two years, one member is appointed for three years and two members are appointed for four years. Upon expiration of the staggered terms, successors shall be appointed for a term of four years.

(D) The members of the Commission shall have the same qualifications for office that are required for members of the City Council; provided that no officer or employee of the city whose duties include enforcement of city housing, building, plumbing, fire or related codes shall be appointed to the Commission.

(E) The Commission shall annually at the first meeting of each calendar year, elect a Chairperson, Vice-Chairperson and Secretary.
(Ord. passed 7-2-84)

§ 151.04 UNLAWFUL INTEREST IN PROPERTY.

No officer or employee of the city, or of the Vacant Property Review Commission, who in the course of his duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated. If any officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he or she shall immediately disclose, in writing, such interest to the Commission and to the City Council and the disclosures shall be entered in the minutes of the Commission and of the City Council. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any officer or employee for any property or interest therein acquired by the city from the officer or employee unless the amount of the payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the City Council.
(Ord. passed 7-2-84)

§ 151.05 CITY'S POWER OF EMINENT DOMAIN.

The city may acquire, by eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to this Act, and shall have the power to hold, clear, manager, or dispose of property so acquired for residential and related use pursuant to the provisions of this Act.
(Ord. passed 7-2-84)

§ 151.06 PROCEDURE FOR DETERMINATION OF BLIGHT OR DETERIORATION.

(A) The City Council shall not institute eminent domain proceedings pursuant to this Act unless the Commission has certified that the property is blighted or deteriorated. A property which has been referred to the Commission by the Planning and Zoning Administrator as blighted or deteriorated may only be certified to the City Council as blighted or deteriorated after the Commission has determined:

- (1) The owner of the property or designated agent has been sent an order by the Planning and Zoning Administrator to eliminate the conditions which are in violation of local codes or law;
- (2) The property is vacant;
- (3) The property is blighted and deteriorated; and
- (4) The Commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice.

(B) The findings required by division (A) of this section shall be in writing and included in the report to the City Council.

(C) The Commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city under this Act. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the Commission in the exercise of diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or his agent shall describe the conditions that render the property blighted and deteriorated, and shall describe the conditions that render the property blighted and deteriorate, and shall demand the abatement of the conditions within 90 days of the receipt of the 90 days of the receipt of such notice.

(D) An extension of the 90-day time period may be granted by the commission if the owner or designated agent demonstrates that the period is insufficient to correct the conditions cited in the notice.

(Ord. passed 7-2-84)

§ 151.07 INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.

The City Council may institute eminent domain proceedings pursuant to and in the manner prescribed by KRS Chapter 416 against any property which has been certified as blighted or deteriorated by the Commission if it finds:

(A) The property has deteriorated to such an extent as to constitute a serious and growing menace to the public health and welfare;

(B) The property is likely to continue to deteriorate unless corrected;

(C) The continued deterioration of property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(D) The owner of the property has failed to correct the deterioration of the property.

(Ord. passed 7-2-84)