

CITY OF MIDWAY
ORDINANCE NO. 2017-11

**TITLE: ORDINANCE AMENDING SECTIONS 92.21-92.26; 92.28-92.47;
152.01-152.04 & 152.07 & 152.09
OF THE CODE OF ORDINANCES PERTAINING TO
NUISANCE AND BLIGHTED AND DETERIORATED PROPERTIES**

WHEREAS, it is the intent of the City of Midway to protect, promote, safeguard and improve the health, safety, and welfare of the citizens residing within the City by prohibiting, eliminating and remediating nuisances and blighted and deteriorated properties and with compliance of and/or in enforcing its ordinances to accomplish the same, including, creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with ordinances in force within the City; and

WHEREAS, it is the desire of the City Council of the City of Midway, Kentucky to amend and update its ordinances from time to time to promote the intent underlying such ordinances for ensuring compliance with and/or enforcement of its ordinances;

NOW, THEREFORE, be it ordained by the City Council of the City of Midway, Kentucky that Ordinance §§ 92.21-92.26; 92.28-92.47; 152.01-152.04 and 152.07 and 152.09 are hereby amended as follows:

NUISANCES

§ 92.21 WEEDS, GRASS AND RUBBISH.

(A) It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon, especially through the accumulation of rubbish or excessive growth thereon of weeds or grass.

(B) Whenever such a situation is discovered, a city police officer, safety officer, citation officer, other public law or code enforcement officer or Mayor or his designee shall give ten (10) days' written notice to remedy the situation. The notice of violation shall be mailed to the last known address of the owner of the property, as it appears on the current tax assessment roll. Any occupant or person having control or management of the property who also so offends shall likewise be given notice by a notice either posted upon the premises, personally served or mailed to the address of the property.

(C) Upon the failure of the owner, occupant or person having control or management of the property to remedy the violation within the prescribed time following the date of the written notice, a city police officer, safety officer, citation officer or other public law or code enforcement officer may issue a Notice of Violation. Upon the failure of the owner, occupant or person having the control or management of the property to abate the violation, a city police officer, safety officer, citation officer or other public law or code enforcement officer may pursue

enforcement proceedings through the Code Enforcement Board pursuant to Ordinance § _____, et. seq.

(D) If the owner, occupant or person having control or management of the property fails to remedy the violation, and city officials are sent upon the property to remedy the situation, the City shall have a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the city official or representative shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the Woodford County Court Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at eight percent (8%) per annum until paid.

§ 92.22 GENERAL NUISANCES.

Whatever is dangerous to human health; whatever renders the ground, the water, the air or food a hazard or injurious to human health, the following specific acts, conditions and things are, each and all of them, declared nuisances and are prohibited and made unlawful:

(A) The deposit or accumulation of any foul, decaying or putrescent substance, in or upon any lot, street, highway, or in or upon any public or private place; the overflow of any foul liquids, or the escape of any gases to such an extent that the same, or any one of them shall become or are likely to become hazardous to health, or that the same shall, by reason of offensive odor, become a source of discomfort to persons living or passing in the vicinity thereof;

(B) A polluted well, spring or stream, or the pollution of any body of water used for drinking purposes;

(C) The lack of maintenance of any septic tank or cesspool;

(D) Keeping any house, building, structure or room in such a state of uncleanness, or the crowding of persons in any building or rooms in such a manner as to endanger the health of the persons dwelling therein, or so that there shall be less than 400 cubic feet of air to each adult, and 150 cubic feet of air to each child under 12 years of age occupying the building or room;

(E) Allowing cellars to be used as living quarters and/or sleeping rooms;

(F) A building or portion of a building occupied as a dwelling room which is not lighted and ventilated by means of at least one window in each room, the window opening to the outer air, or which is not provided with a plentiful supply of potable water;

(G) The accumulation of manure or animal waste unless it be in a properly constructed pit or receptacle;

(H) The accumulation of water in which mosquito larvae can breed;

(I) The slopping or feeding of cattle or other animals on distillery swill within the sanitary limits of the city, unless the enclosure wherein the slopping or feeding is done is

provided with the means for preventing and removing the unsanitary conditions associated with the slopping or feeding;

(J) Any defective, blocked or non-functioning trap, sink or water closet, or any other defective drainage pipe, appliance or fixture within any building.

§ 92.23 BURNING TRASH AND RUBBISH.

It is unlawful for any person, business or non-governmental entity to burn trash, rubbish, or leaves at any time during the day or night.

§ 92.24 DEFINITIONS.

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

AUTOMOBILE PARTS. Any portion or parts of any motor driven vehicle that are detached from the vehicle as a whole.

CODE ENFORCEMENT OFFICER. A city police officer, safety officer, citation officer, or Code Enforcement Officer having or granted authority to issue a citation or as referenced herein.

IMMINENT DANGER. A condition which is likely to could cause serious or life-threatening injury or death at any time.

(KRS 381.770)

INOPERATIVE CONDITION. Unable to move under its own power due to defective, deficient or missing parts, and which has remained in that condition for a period of more than ten (10) consecutive days.

MOTOR VEHICLE. Any style or type of motor driven vehicle intended for the conveyance of persons or property.

PUBLIC NUISANCE. Any act, thing, occupation, condition or use of property which continues for a length of time as to:

(1) Substantially annoy, injure or endanger the comfort, quality of life, health, repose or safety of the public; or,

(2) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, sidewalk, stream, ditch or means of drainage; or

(3) Interfere with the comfortable enjoyment of life and property or that tends to depreciate the value of property of others.

SCRAP METAL. Pieces or parts of steel, iron, tin, zinc, copper, aluminum or any metal alloy, whether covered with tarp or any other material, whether intact or in parts, which has served its usefulness in its original form and is no longer or can no longer be used for its originally intended purpose.

UNFIT FOR FURTHER USE. In an unusable condition as originally intended; having defective or missing parts; or in a condition generally as to be unfit for further use as a conveyance.

§ 92.25 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this Chapter to be a public nuisance, those offenses which are known to the common law and statutes of the state as public nuisances may be treated as such and be subject to a notice of violation and enforced as is provided in this Chapter or in accordance with any other applicable ordinances and provisions of law.

§ 92.26 CERTAIN CONDITIONS DECLARED A NUISANCE.

(A) It shall be unlawful for a property owner, occupant or person having control or management of any land within the city to permit a public nuisance to develop thereon.

(B) The following conditions are declared to be public nuisances:

(1) *Dangerous trees or stacks adjoining street.* Any tree, stack of wood or other objects standing in a condition that is reasonably likely, if the condition is allowed to continue, to endanger the life, limb or property of, or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling or collapsing thereof or of any of its parts.

(2) *Accumulation of rubbish.* An accumulation on any premises of filth, refuse, trash, rubbish, garbage or other waste material which endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it may ignite or catch fire, attract and propagate vermin, rodents or insects, or blow into any street, sidewalk or the property of another.

(3) *Storage of explosives or flammables.* The storage of explosive or flammable material which creates a safety hazard to other property or persons in the vicinity.

(4) *Weeds and grass.* The excessive growth of weeds, grass or other vegetation, meaning, unless otherwise provided, growth to a height of twelve inches (12") or more.

(5) *Open wells.* The maintenance of any open, uncovered or insecurely covered cistern, cellar, well, pit, drain, excavation or vault situated upon private premises in any open or unfenced lot or place.

(6) *Trees and shrubbery obstructing streets, sidewalks and drainage.* The growing and lack of maintenance of trees or shrubbery which in any way interferes with the

passage of the public upon and use of sidewalk and public streets and throughways, or construction or maintenance of streets or sidewalks, or that causes injury or damage to streets or sidewalks, or constitutes an obstruction to natural drainage or public drainage ways.

(7) *Keeping of animals.* The failure to keep an animal(s) in a pen, yard, lot or other enclosure in a sanitary condition and confined from wandering off the property where kept and free of preventable offensive odors to property owners in the vicinity and passersby.

(8) *Junk; scrap metal; motor vehicles; water craft.* The storing within the city limits of motor vehicles or equipment in an inoperative condition, motor vehicles, water craft or equipment unfit for further use, automobile parts or scrap metal except on a premises authorized by the City or the Woodford-Versailles-Midway Planning and Zoning Commission for those specific purposes.

§ 92.27 ABATEMENT PROCEDURE.

(A) It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance, health hazard or source of filth to develop thereon.

(B) Whenever a nuisance situation is discovered, the authorized Code Enforcement Officer or city official shall give ten (10) days' written notice to remedy the nuisance situation. The notice shall be served by personal delivery or mailed to the last known address of the owner of property, as it appears on the current tax assessment roll. Upon the failure of the owner of the property to comply, the authorized city official is authorized to send employees upon the property to remedy the situation.

(C) (1) The city shall have a lien against the property for the reasonable value of labor and materials used in remedying the nuisance situation. The affidavit of the authorized city official shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to KRS 381.770 and this section, and shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at the rate established by the city thereafter until paid.

(2) The lien created shall take precedence over all other subsequent liens, except state, county, school board and city taxes, and may be enforced by judicial proceeding.

(3) In addition to this remedy or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges and the city may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

§ 92.28 NUISANCE CREATED BY OTHERS.

For the purposes of this chapter, it is not required that the nuisance be created, caused or contributed to by the owner, occupant or person having control or management of the premises, but merely that the nuisance be created or contributed to by licensees, invitees, guests or other

persons for whose conduct the owner, occupant or operator is responsible, or by persons for whose conduct the owner or operator is not responsible, but by the exercise of reasonable care they should have become aware of or known was occurring.

§ 92.29 SUSPENSION OF LICENSE.

(A) Whenever it is shown that a nuisance is associated with or caused by the conduct of a business or activity licensed by the city and that the existence of the nuisance presents an immediate harm or threat of harm to the public health, safety or welfare, the City Council may suspend the license of the person(s) or entity authorizing or that is conducting the business or activities with the City causing or contributing to the nuisance, and refuse to issue any licenses to the offending party until the nuisance is abated.

(B) (1) The City Clerk/Treasurer shall cause a notice of the suspension to be served personally upon the licensee, or upon any managing or responsible agent of the licensee, at the premises where the licensed business or activity is being conducted.

(2) The notice shall clearly inform the licensee of the reason for the suspension and the conditions that must be met for the suspension to be removed.

(C) Upon application of the licensee, and upon a showing that the nuisance has been satisfactorily abated and that any other reasonable conditions set forth in the notice have been met, the City Council may remove the suspension.

§ 92.30 REMOVAL OF DEAD ANIMALS.

The owner or possessor of any animal that had died from disease, accidentally or any other cause, shall not knowingly allow the animal to lie and remain on any street, alley or public place, or on any private lot or premises within the city, for more than 10 hours after death of the animal.

§ 92.31 RESPONSIBILITY FOR ENFORCEMENT.

Pursuant to the requirements of KRS 82.710(4), the responsibility for the enforcement of the nuisance code is hereby delegated to the Building Code Enforcement Officer of the Versailles-Midway-Woodford County Planning and Zoning Commission, or city police officer, safety officer, citation officer, other public law officer or Code Enforcement Officer having or granted authority to issue a citation.

§ 92.32 CODE ENFORCEMENT BOARD

(A) A Code Enforcement Board is established pursuant to KRS 65.8801 to 65.8839 to conduct hearings relating to citations issued for violations of the nuisance ordinances contained in Chapter 92 of the City of Midway, Code of Ordinances.

§ 92.33 HEARINGS

(A) Any property owner or occupant who has received notice of a nuisance violation under Chapter 92 and who desires to contest the notice of a nuisance violation may request a hearing

before the Code Enforcement Board pursuant to the rules and regulations of that Board and the procedure for responding to a citation as set forth in § _____.

§ 92.34 HEARING PROCEDURES

(A) Any person or entity requesting a hearing with regard to nuisance violations and citations shall comply with and is subject to the hearing procedures set forth in § _____ of the Code Enforcement Board.

ABANDONED VEHICLES

§ 92.45 JUNKED, WRECKED OR INOPERABLE VEHICLES.

(A) Any person who is the owner, lessee, tenant, occupant or one otherwise in charge or in control of premises located on private property shall not permit any wrecked, junked, partly dismantled or otherwise inoperable motor vehicle, or any motor vehicle not licensed pursuant to KRS 186.020, including water craft, to be parked, placed or located on the premises for more than ten (10) days. Any motor vehicle herein described that is parked, placed or located on aforementioned premises for longer than ten (10) days shall be declared a public nuisance and subject to abatement.

(B) This subchapter shall not apply to:

- (1) Historic motor vehicles which are registered and licensed pursuant to KRS 186.043;
- (2) Any vehicle housed in an enclosed building; or
- (3) Any vehicle parked, placed or located on the premises which is screened from public view pursuant to KRS 177.915.

(C) The abatement of a public nuisance shall be as follows:

(1) *Notice to abate.* The City Clerk or a Code Enforcement Officer of Midway shall serve or cause to be served a notice upon the owner(s) or occupants of any premises upon which any motor vehicle, as described in division (A) of this section, is located in violation of the provisions of this section. The notice shall describe the nuisance and shall demand abatement within ten (10) days of the notice. The notice shall also contain the following statements in effect:

- (a) The City may abate the nuisance if it is not corrected within five (5) days after the date of the notice to abate;
- (b) An estimate of the cost of removing or correcting the nuisance;
- (c) That the cost of abatement shall constitute a lien against the property in favor of the City;

(d) The City Clerk shall send a bill for the cost of abatement, including administrative costs, to the property owner or occupant after the City has abated the nuisance; and

(e) A notice of lien shall be placed against the property removed if the bill for the cost of abatement is not paid within fourteen (14) days following its being mailed to the owner, lessee, tenant or occupant.

(2) *Service of notice to abate.* The notice shall be personally served upon the owner(s) or occupants of the subject property, or shall be mailed to the last known address of the owner(s) as shown on the property tax rolls. If the owner(s) of the property cannot be determined or located:

(a) The City Clerk shall make an affidavit so stating;

(b) The serving of notice upon the owner, tenant or occupant was made by publication in a newspaper for two (2) consecutive issues; and

(c) A copy of the notice was posted conspicuously on the subject premises.

(3) *Calculating time period.* The five (5) day time period for notice shall begin as follows:

(a) On the day following service when notice is personally served;

(b) On the third day following mailing when notice is mailed; or

(c) On the third day following first publication and posting.

(4) *Enforcement.* The duties imposed on the City Clerk by this section may be performed by a Code Enforcement Officer or any other law enforcement agency or designee of the City which has agreed with the City Council to provide law or code enforcement services for the City of Midway.

(D) In the event a motor vehicle is removed from property by the City pursuant to § 92.45 it shall be deemed abandoned by the owner and may be disposed of by the City without recourse by its owner under the following conditions. The city shall provide notice to the property owner in the manner set forth in division (C)(2) of this section of the following:

(1) That in the event the motor vehicle is removed by the City it will be deemed abandoned by the owner; and

(2) If the motor vehicle is deemed abandoned, then it may be disposed of by the city without recourse by the owner, with the costs of the disposal to be included in the cost of abatement.

§ 92.46 ABANDONMENT OF VEHICLE UPON CITY STREET PROHIBITED; REMOVAL AND DISPOSAL PROCEDURES.

(A) *Abandonment prohibited.*

(1) No person shall leave a vehicle upon a city street or city right-of-way, including the area between the street and sidewalk, under circumstances indicating an abandonment. A vehicle left upon a city street or city right-of-way, to include the area between the street and sidewalk, for seven (7) consecutive days shall be presumed to be abandoned. For purposes of this section the term city street shall also refer to a city parking lot or other city property.

(2) Conditions indicating an abandonment include expired registration, flat tires or other indications that the vehicle is legally or functionally inoperable.

(B) *Removal disposal procedures.*

(1) The Police Department shall cause any abandoned vehicle to be removed by an entity or person engaged in the business of storing or towing motor vehicles, and the provisions of KRS 376.275 shall apply in disposing of the vehicle. Any money obtained in disposing of a vehicle that is in excess of any liens shall be paid by the seller to the owner, and if the owner cannot be located, the excess money shall escheat to the state pursuant to the provision of KRS Chapter 393. The vehicle shall be registered or transferred in the county where the sale is conducted, upon an affidavit by the seller that the provisions of KRS 376.275 have been met. The affidavit shall contain information as prescribed by the State Transportation Cabinet.

(2) If any such vehicle is, in the opinion of the Police Department, unfit for future use, the Police Department may dispose of it immediately in such a manner as it deems appropriate.

(3) The term **POLICE DEPARTMENT** means any law enforcement agency which has agreed with the City Council to provide law enforcement services within the City of Midway.

§ 92.47 IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES.

(A) The Police Department is authorized to remove and tow away, or have removed and towed away by a commercial towing service, any vehicle illegally parked in any place where the parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, obstructs or may obstruct the movement of any emergency vehicle, or obstructs the entrance to any driveway or alley, or has been illegally parked for a period of over twenty-four (24) hours on any city street, city parking lot or other city property.

(B) Vehicles towed away for being illegally parked shall be stored in a safe place and shall be restored to the owner or operator of the vehicle upon the payment of the traffic fine imposed plus the actual cost in towing and storing the vehicle.

(C) Any entity or person engaged in the business of storing or towing motor vehicles in either a private capacity or for the city who has substantially complied with the requirements of applicable law shall have a lien on the motor vehicle for the reasonable or agreed charges for storing or towing the vehicle as long as it remains in his, her or its possession. If after a period of forty-five (45) days, the reasonable or agreed charges for storing or towing a motor vehicle have not been paid, the motor vehicle may be sold to pay the charges after the owner has been notified by certified mail ten (10) days prior to the time and place of the sale. Should the proceeds of the sale of any vehicle pursuant to this section be insufficient to satisfy the accrued charges for towing, transporting and/or storage, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid towing, transporting and/or storage charges by the owner or responsible casualty insurer of the vehicle. This lien shall be subject to prior recorded liens.

(D) A lien holder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first fifteen (15) days of impoundment. The letter shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle. If the above-referenced certified letter is not sent within the fifteen (15) days by the towing and storage company, then only fifteen (15) days of storage may be charged. The lien holder has the right to take possession of the motor vehicle after showing proof of lien still in force, and paying the reasonable or agreed towing and storage charges on the motor vehicle. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

(E) The term **POLICE DEPARTMENT** means any law enforcement agency which has agreed with the City Council to provide law enforcement services within the city.

BLIGHTED AND DETERIORATED PROPERTIES

§ 152.01 DECLARATIONS.

It is hereby declared:

(A) It is the policy of the city to protect and promote the health, safety, and welfare of the residents of the city by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods.

(B) The elimination of such blight and deterioration and the preparation of such properties for sale or lease, for development, or for redevelopment constitute a public use and purpose for which public money may be expended and private property acquired and these are governmental functions in the interest of the health, safety, and welfare of the residents of the city.

(C) The necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

§ 152.02 DEFINITIONS.

For purposes of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

- (1) Because of physical condition or use of the property is regarded as a public nuisance at common law;
- (2) Is considered an attractive nuisance to children by reason of structures and appurtenances therein or thereon, including but not limited to abandoned wells, shafts, basements, excavations, or the unsafe condition of any structures, features or fences thereon;
- (3) Is dilapidated, unsanitary, unsafe, vermin infested, or is lacking in the facilities and equipment required by the city's housing or maintenance codes, or has been designated by the Building Inspector as being unfit for human habitation;
- (4) Is a fire hazard, or is otherwise dangerous to the safety of persons or property;
- (5) Has had the utilities, plumbing, heating, sewerage, or other facilities disconnected therefrom, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
- (6) Has by reason of neglect or lack of maintenance become a place for the accumulation of trash and debris, or a haven for rodents or other vermin;
- (7) Has been tax delinquent for a period of at least three (3) years; or
- (8) Has not been rehabilitated and brought into compliance with the housing, building, plumbing, electrical, fire or nuisance code of the local government where located within the time constraints placed upon the owner by the appropriate permitting or code enforcement agency.

CODE ENFORCEMENT BOARD means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

CODE ENFORCEMENT OFFICER means a city police officer, safety officer, citation officer, or other public law or Code Enforcement Officer having or granted the authority to issue a citation or as referenced herein.

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

RESIDENTIAL AND RELATED USE. Residential property for sale or rental and related uses, including but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

REVIEW AND CODE ENFORCEMENT BOARD. The Board established to review nuisances, vacant, blighted or deteriorated properties and to make a written determination of blight and deterioration and to enforce the provisions of this Chapter is the Code Enforcement Board created by City of Midway Ordinance No. 17-10 under the authority granted by KRS 65.8801 to the Local Government Code Enforcement Board Act.

§ 152.04 PROCEDURES.

(A) When the Versailles-Midway-Woodford County Planning Commission Building and Zoning Inspector or a Code Enforcement Officer considers any property within the city to be blighted or deteriorated, the Inspector or officer shall give to the owner of the property a notice and order setting forth the conditions of the property which are in violation of local codes or law and a time period by which to correct and abate such conditions. Such notice and order shall further state that the property is deemed to be blighted or deteriorated within the meaning of this chapter and that the failure to make correction and abatement within the time period set forth will result in the referral of the matter to the Code Enforcement Board for further proceedings in conformity with this chapter.

(B) If the conditions set forth in the Inspector’s or Code Enforcement Officer’s notice and order are not in full corrected and abated within the time period therein set forth, the Inspector or Officer shall:

(1) Contact the Planning Director of the Planning and Zoning Commission for determination of whether the reuse of the property for residential or related uses is in keeping with the city’s comprehensive plan and zoning ordinances; and

(2) If the Planning Director determines that the reuse of the property for residential and related uses is in keeping with the city’s comprehensive plan and zoning ordinances, the Building Inspector shall notify and refer the matter to the Code Enforcement Board for enforcement proceedings in compliance with City of Midway ordinance §§ _____ under the authority granted by KRS 65.8801, as amended, to the Local Government Code Enforcement Board Act..

§ 152.07 ABANDONED URBAN PROPERTIES CLASSIFIED AS REAL PROPERTY.

(A) Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation.

(B) As used in this section, **ABANDONED URBAN PROPERTY** as defined in division (B)(1) or division (B)(2) below shall mean:

(1) Any vacant structure or vacant or unimproved lot or parcel of ground in the City that has been vacant or unimproved for a period of at least one (1) year and which:

(a) Is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, or is unfit for its intended use;

(b) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or

(c) Has been tax delinquent for a period of at least three (3) years, or

(d) Is located within a development area established under KRS 65.7049, 65.7051, and 65.7053.

(2) Any property in the city that has been identified as “blighted” or “deteriorated” as defined in § 152.02 and certified as such by the Code Enforcement Board.

§ 152.09 CLASSIFICATION OF PROPERTY AS ABANDONED URBAN PROPERTY; RIGHT TO APPEAL.

(A) The Code Enforcement Board shall each year determine which properties in the city are abandoned urban properties and shall prepare and furnish a list of abandoned and urban properties located in the city to the City Clerk prior to January 1 of each year.

(B) Except as otherwise provided herein, a property classified by the city as abandoned urban property as of January 1 shall be taxed as abandoned urban property for that tax year. If the owner repairs, rehabilitates, or otherwise returns the property to productive use so that the property is no longer abandoned urban property, the owner shall notify the Code Enforcement Board, which shall, if it finds that the property is no longer abandoned urban property, notify the City Clerk to strike the property from the list of abandoned urban properties as of the succeeding January 1.

(C) No later than March 1 of each year, the City Clerk shall mail, by first-class mail, to the owner(s) of each abandoned urban property, whose name(s) is/are listed in the records of the Code Enforcement Board, a notice that the property has been classified as abandoned urban property.

(D) The owner of any abandoned urban property who believes that their property has been incorrectly classified may appeal the classification to the city’s Code Enforcement Board. The appeal shall be in writing and shall be made no later than April 1 of that year. The city shall afford the owner the opportunity for a hearing before the Code Enforcement Board. If the Code Enforcement Board finds that the property was incorrectly classified as abandoned urban property, it shall cause the property to be removed from the list of properties so classified.

The foregoing Amendment of Ordinance §§ 92.21-92.26; 92.28-92.47; 152.01-152.04 and 152.07 and 152.09 will become effective upon passage and publication as required by law.

Introduced and given first reading at a meeting of the Midway City Council, Midway, Kentucky held on the _____ day of November 2017 and fully adopted after the second reading at a meeting of the said City Council held on the ___ day of _____ 2017.

Midway City Council

BY: _____
Grayson Vandegrift, Mayor

ATTEST:

Phyllis Hudson, City Clerk
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