

# CHAPTER 156: BLIGHTED AND DETERIORATED PROPERTIES

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## § 156.01 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 the 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.

(Ord. 07-35, passed 11-13-07)

## § 156.02 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.** Any 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 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 or fences thereon;
- (3) Because it is dilapidated, unsanitary, unsafe, vermin infested, or lacking in the facilities and equipment required by the city's housing or maintenance codes, has been designated by the codes enforcement office 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) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or
- (7) Has not been rehabilitated within the time constraints placed upon the owner by the appropriate codes enforcement agency.

**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.

**VACANT PROPERTY REVIEW COMMISSION.** The Commission established by this chapter to review vacant properties and to make a written determination of blight and deterioration.

(Ord. 07-35, passed 11-13-07)

## § 156.03 VACANT PROPERTY REVIEW COMMISSION.

(A) There is hereby established and created a Vacant Property Review Commission (the Commission) for the City of Richmond. The Commission shall be composed of five members who shall be appointed by the Mayor with the approval of the Board of Commissioners. Members of the Commission shall be residents of the city and shall serve for terms of five years and until their successors are duly appointed and qualified, except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as regular appointments and for the unexpired term of the vacancy. Members shall serve without pay. No officer or employee of the city whose duties include enforcement of housing, building, plumbing, fire, maintenance, or related codes shall be appointed to the Commission.

(B) The Commission shall be charged with the duty of determining whether a property within city limits is blighted or deteriorated in accordance with the definition of those terms as hereinabove set forth and of carrying out the substantive and procedural directives associated with that determination as herein set forth.

(C) The Commission shall conduct its business at meetings scheduled and held in conformity with the requirements of the Kentucky Open Meetings Act. Meetings shall be called by the city's Director of Codes Enforcement (the Director) when and as necessary to consider properties alleged by the Director to be blighted or deteriorated within the meaning of this chapter.

(Ord. 07-35, passed 11-13-07)

## § 156.04 PROCEDURES.

(A) When the city's Director of Codes Enforcement considers any property within the city to be blighted or deteriorated, the Director 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 for the correction and abatement of 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 Vacant Property Review Commission for further proceedings in conformity with this chapter.

(B) If the conditions set forth in the Director's Notice and Order are not in full corrected and abated within the time period therein set forth, the Director shall:

(1) Place the matter on the agendas for the next workshop and formal meeting of the city's Planning and Zoning Commission for that body's determination of whether the reuse of the property for residential and related uses is in keeping with the city's comprehensive plan;

(2) If the Planning and Zoning Commission shall determine that the reuse of the property for residential and related uses is in keeping with the city's comprehensive plan, the Director shall convene a meeting of the Vacant Property Review Commission for the purpose of that body's consideration of whether the property is blighted or deteriorated. The Director shall notify the owner of the time, date, and location of the meeting and shall advise the City Clerk of the meeting so as to permit the Clerk to make due advertisement of the meeting as may be required by applicable law.

(C) If after consideration of the evidence adduced before it at such meeting the Commission shall, by a preponderance of the evidence, find that the property is vacant and blighted or deteriorated within the meaning of this chapter, the Commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing same shall render the property subject to condemnation by the city. Such notice shall describe the conditions that render the property blighted or deteriorated and shall demand correction and abatement of the conditions within 90 days of the receipt of such notice. An extension of the 90-day period may be granted by the Commission if it is demonstrated to the satisfaction of the Commission that such period is insufficient to correct the conditions cited in the notice.

(D) (1) If correction and abatement in full shall not have been effected within such period of time as the

Commission shall have determined as above set forth, the Commission shall certify to the city's Board of Commissioners that the property is blighted or deteriorated. Such certification shall further set forth the Commission's determination that:

(a) The owner of the property or designated agent has been sent a Notice and Order by the Director to eliminate the conditions which are in violation of local codes or law within a time certain, that such Notice and Order further set forth 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 would result in the matter being referred to the Vacant Property Review Commission for further proceedings in conformity with this chapter;

(b) The conditions set forth in the Notice and Order were not corrected and abated within the time period therein set forth;

(c) The property is vacant;

(d) 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 granted by the Commission has expired and the property owner or agent has failed to comply with the notice; and

(e) The Planning and Zoning Commission has determined that the reuse of the property for residential and related use is in keeping with the city's comprehensive plan.

(2) The certification and findings required by this section shall be in writing signed by the chairperson of the Commission and included in the Commission's report to the city's Board of Commissioners.

(E) Notice which may be, or is required to be, given under the terms of this chapter shall be in writing and sent via first class mail, sufficient postage prepaid, and certified, return receipt requested, and a copy of any such notice shall further be posted in a conspicuous place on the property affected. Unless the owner of the property in question shall have notified the Director otherwise, the identity of the owner and the owner's mailing address shall be conclusively presumed to be as appear as such in the records maintained in the office of the Madison County Property Valuation Administrator. Notice given in accordance with the foregoing shall be deemed effective on the date of receipt; provided, however, that same shall conclusively be deemed to have been received not later than the fifth business day following the date when same was delivered to the post office.

(Ord. 07-35, passed 11-13-07)

## § 156.05 EMINENT DOMAIN PROCEEDINGS.

(A) The Board of Commissioners of the city may institute eminent domain proceedings in accordance with the provisions of KRS Chapter 416 against any property, and may through such proceedings acquire any property, which has been certified as blighted or deteriorated by the Commission if it finds:

(1) That the property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;

(2) That such property is likely to continue to deteriorate unless corrected;

(3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and

(4) That the owner of such property has failed to correct the deterioration of the property.

(B) The findings required as above set forth shall be included in any Order of the Board of Commissioners authorizing the institution of eminent domain proceedings.

(Ord. 07-35, passed 11-13-07)

## § 156.06 USE OF THE PROPERTY BY THE CITY OF RICHMOND.

The city, following its acquisition of blighted or deteriorated property in accordance with the foregoing provisions, shall have the power to hold, clear, manage, or dispose of the property so acquired for residential and related use.

(Ord. 07-35, passed 11-13-07)

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