

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 10-2008

AN ORDINANCE CREATING PROCEDURES FOR THE ABATEMENT OF VIOLATIONS RELATIVE TO NEGLECTED VACANT AND/OR ABANDONED REAL PROPERTIES AND PROVIDING REMEDIES TO THE CITY FOR THE RECOVERY OF FUNDS EXPENDED FOR SUCH ABATEMENT.

WHEREAS, from time to time, properties become vacant within the corporate limits of the City of Highland Heights due to foreclosure, absence of the property owner, death or other circumstances; and

WHEREAS, because of such circumstances the property, principal structure, accessory structures and yard areas suffers the abuse of neglect and lack of maintenance; and

WHEREAS, such conditions are detrimental to the life, health, property or safety of the citizens of the city of Highland Heights; and

WHEREAS, representatives from the city of Highland Heights have made reasonable efforts to contact the property owner to require abatement of such conditions; and

WHEREAS, the city of Highland Heights desires to provide abatement procedures for such conditions when the owner of the real property fails to abate the conditions or when reasonable efforts to contact the property owner have failed; and

WHEREAS, the City or its duly designated agent need to have the authority to address these neglected, vacant, and/or abandoned real properties; and

WHEREAS, the City of Highland Heights desires to recover funds expended by the city for the abatement of such conditions; including the filing of lawsuits, adding to tax bills or placing liens upon real property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY THAT:

Section I

Neglected vacant and/or abandoned real property is hereby considered a public nuisance.

Section II

Whenever a designee of the city of Highland Heights observes a neglected vacant and/or abandoned real property that is in violation of any section of the currently enforced edition of the

"BOCA National Property Maintenance Code" or any applicable section of the Highland Heights' Code of Ordinances or Highland Heights' zoning ordinance such designee shall make reasonable attempts to notify the property owner by regular mail, certified mail, or by posting notices on the property/structure affected by such notice. When these reasonable attempts to notify the property owner of such violations have failed the designee may direct the Public Works Department or other designated agent to enter upon the neglected vacant and/or abandoned property to abate the violations.

Section III

This abatement may include, but is not limited to: cutting grass and weeds to discourage pest infestation, removing trash and rubbish, securing principal and/or accessory structure against intrusion, and removing dangerous structures or appurtenances.

Section IV

The Public Works Director or designated agent shall keep an accurate account of expenses incurred for the abatement, which shall be charged against and paid by the owner of record. The owner of record shall have thirty (30) days to make payment in full for services provided for the abatement of such public nuisance. Failure of the owner of record to make payment in full within the specified time period may result in filing a lien against the property, or filing a lawsuit, surcharging the property's tax bill, or instituting any action necessary to collect the debt. The owner of record shall pay any and all costs associated with the collection of the debt, including but not limited to the cost of labor, materials, contract fees, penalties, interest, attorney's fees and court costs.

Section V

That all ordinance or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

Section VI

If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions of this Ordinance.

Section VII

This Ordinance shall become effective upon passage, approval and publication according to law.

Section VIII

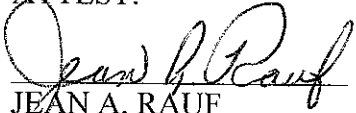
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 3rd day of June, 2008.

Passed on second reading this 17 day of June, 2008.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN A. RAUF
CITY CLERK/TREASURER

Ord08.10

PUBLISH CCR: 6-26-2008