

**CITY OF HIGHLAND HEIGHTS, KENTUCKY
ORDINANCE NO. 03-2020**

**AN ORDINANCE INSTITUTING A PROCESS FOR THE
DEMOLITION OF DANGEROUS OR DILAPIDATED
PROPERTY BY THE CITY.**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF HIGHLAND
HEIGHTS, CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I

That the following sections shall be added to the Code of Ordinances for the City of Highland Heights:

CHAPTER 38 – CODE ENFORCEMENT.

§38.70 Demolition of Property.

(A) Demolition orders generally. A Code Enforcement Officer shall order the owner of a premises to demolish and remove a structure located thereon, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owners option, when, in the opinion of the Code Enforcement Officer:

- (1) Imminent danger exists on the subject property that necessitates immediate action, or there is reason to believe that the existence of a violation of this Chapter with respect to the structure presents a serious threat to the public health, safety, and welfare; or
- (2) The structure is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, or demolition is otherwise reasonably necessary to protect the public interest.

(B) Order. The order shall specify necessary repairs, if any, and a time in which the owner shall comply therewith, which shall be no less than 30 days unless an emergency exists pursuant to section (A)(1). It shall be served on the owner of record in accordance with this chapter.

(C) Hearing prior to demolition by city.

- (1) Except when an imminent danger exists that will not permit delay, whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Enforcement Board shall act as a hearing officer and shall conduct a hearing prior to the city undertaking demolition of the structure.
- (2) The hearing officer shall issue a notice of hearing informing the property owner of the date, time, and location of the hearing. The hearing shall be held not less than seven days from the date the notice of hearing is issued. The notice of hearing shall be served on the owner of record by registered mail and by posting a notice on the property.
- (3) The property owner shall have the opportunity to file a written answer with the City Clerk

and/or appear in person to present testimony or other evidence of why the structure should not be demolished. The Code Enforcement Officer shall present testimony or other evidence demonstrating why the structure should be demolished. The burden of proof shall be upon the Code Enforcement Officer to demonstrate by substantial evidence that demolition is authorized by division (A).

(4) The property owner may waive his or her right to a hearing and authorize the city to undertake demolition of the structure. The owner's failure to appear at the hearing after proper notice shall constitute a waiver, unless good cause is shown.

(5) Upon a showing by substantial evidence that demolition of the structure is authorized by division (A), or upon waiver of hearing by the property owner, the hearing officer shall enter an order to that effect and order demolition of the structure by the city.

(6) The order shall be served on the owner of record and any lien holder of record within fourteen (14) days of the final determination, whether after hearing or upon waiver of hearing. If there is a lien holder of record, that lien holder may, within forty-five (45) days from the receipt of that notice, correct the violations cited or elect to pay all fines, penalty charges, and costs incurred in remedying the situation as permitted.

(7) Anyone affected by an order issued pursuant to division (C)(5) may, after service of such order, apply to Campbell Circuit Court for an order restraining the Code Enforcement Officer from razing such structure.

(D) Demolition by city. Upon final determination that the structure shall be demolished by the city, or when an imminent danger exists that will not permit the delay associated with a hearing, the Code Enforcement Officer shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal, together with related expenses, costs, fees, and attorney fees to the extent provided by law, shall be charged against the owner of the real estate upon which the structure is located. Upon failure of the owner to effect payment of such costs, a lien shall be placed by the city against the real estate upon which the razed or removed structure was located pursuant to § 99.99.

(E) Appeals. Any person directly affected by an order under this section shall have the right to appeal to the Code Enforcement Board within thirty days of the demolition order in accordance with the provisions of this chapter.

(F) Remedies not exclusive. Nothing in the section shall prohibit the city or any of its officers from proceeding under any other applicable section of this chapter or any other applicable chapter, including, but not limited to, issuing a citation and/or bringing a separate action before the Code Enforcement Board, in order to abate any condition described by this section. The Code Enforcement Officer shall not be precluded from pursuing other available remedies against a nuisance property by virtue of any failure to proceed under this section.

Section II

This ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law.

PASSED by City Council of the City of Highland Heights, Campbell County, Kentucky assembled in regular session.

First Reading: February 4, 2020

Second Reading: March 3, 2020



MAYOR GREGORY MEYERS

ATTEST:



JEANNE PETTIT
CITY CLERK/TREASURER