

SUMMARY OF ORDINANCE NO. 2008-01

AN ORDINANCE OF THE CITY OF LONDON KENTUCKY RELATED TO
BLIGHTED AND DETERIORATED PROPERTIES WITHIN THE CITY LIMITS,
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF SUCH
PROPERTIES, AND ESTABLISHING A VACANT PROPERTY REVIEW
COMMISSION.

This summary is intended to be a summary of the aforementioned Ordinance. The Ordinance as written is intended to address blighted and deteriorated properties in the City of London in Residential and Commercial/Business areas that constitute a danger to the public health safety and welfare of the residents of the city, such properties being beyond remedy and control solely by the regulatory and administrative process.

The ordinance finds that the continued existence of such property contributes to the spread of disease, crime, fires, accident, economic and social liability that retards sanitary housing and causes an abnormal exodus of families and businesses from such neighborhoods and is detrimental to the health and well-being of the residents of the neighborhoods and business communities. The purpose of the ordinance is to eliminate such conditions.

A "Blighted" or "Deteriorated" property means a vacant structure or a vacant unimproved area of ground in a predominantly built-up neighborhood or business area which is regarded as a public nuisance, an attractive nuisance for children that has been designated by the City Building Inspector Officer is being unfit for human habitation, is a fire hazard, has disconnected utilities so as to render the property unfit for its intended use, has become a place for the accumulation of trash and debris, or a haven for rodents or has not been rehabilitated within the time placed upon the owner by the Building Inspector and/or London City Police. There are other definitions contained in the ordinance.

The Ordinance establishes a "Vacant Property Review Commission" for the City that is composed of five (5) members appointed by the Mayor with the approval of the Council. The terms and conditions of appointment were established in the Ordinance. The purpose of the Commission is to determine whether the property is blighted or deteriorated in keeping with the definition in the ordinance.

The procedure for determination for "blighted or deteriorated" property requires the Building Inspector and/or the City Police to give notice to the owner of the property and a time within which to make the correction or abatement of the condition. If it is not fully corrected within the time set out in the ordinance, the Building Inspector will place the matter on the agenda for the next meeting of the Zoning and Planning Commission. If the Zoning and Planning Commission determines that the reuse of the property for residential and commercial or business and related uses in keeping with the Comprehensive Plan, the Building Inspector will 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 Inspector will notify the owner of the time of the meeting and the City Clerk will make publication of the meeting as required by law.

At the meeting, the Vacant Property Commission will determine if the property is vacant and blighted or deteriorated within the meaning of the ordinance and if so that Commission will notify the owner of the property of that determination in writing. The time requirements are established within the terms of the ordinance and the time for abatement or correction of the condition in ninety (90) days.

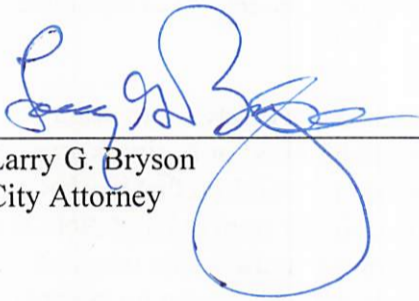
If the correction or abatement of the blighted or deteriorated condition has not been made within that time then the Vacant Property Commission will certify the same to the City Council along with the Commission's determination of notice, conditions and similar matters all set forth in the Ordinance. Thereafter, the City Council may institute

eminent domain proceedings against the property which has been certified as being blighted or deteriorated if the City Council finds that the property is deteriorated and constitutes a serious and growing menace to public health, safety and welfare, that it is likely to continue to deteriorate and that the deteriorating condition contributes to the blighting and deterioration of the surrounding properties and that the owner of the property has failed to correct the deterioration of the property. After such findings, the same are required to be included in an Order from the City Council authorizing the institution of eminent domain proceedings.

The City of London may institute Eminent Domain proceedings against any property that has been certified or blighted as deteriorated property and shall have the power to hold, clear, manage or dispose of the property.

This ordinance is effective immediately upon adoption by the City Council after its second reading and publication.

This ordinance is intended to be a summary prepared pursuant to KRS 83A.060(4) as a correct summary of the ordinance and is certified by City Attorney Larry G. Bryson to comply with KRS 83A.060 (9) and will be effective upon publication of the summary.



Larry G. Bryson
City Attorney

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON**

ORDINANCE NO. 2008-01

**AN ORDINANCE OF THE CITY OF LONDON, KENTUCKY RELATING TO
BLIGHTED AND DETERIORATED PROPERTIES WITHIN THE CITY LIMITS,
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF SUCH
PROPERTIES, AND ESTABLISHING A VACANT PROPERTY REVIEW
COMMISSION.**

WHEREAS, there exists within the City blighted and deteriorated properties in business areas and neighborhoods which cause the deterioration of those properties and contiguous property which constitute a danger to the public health, safety, and general welfare of the residents of the City and are beyond remedy and control solely by regulatory and administrative process; and

WHEREAS, the continued existence of such blighted and deteriorated properties, and the growth and spread of blight and deterioration, or the threatened deterioration of other business property and neighborhoods contributes substantially and increasingly to the spread of disease and crime and to losses by fire and accident; constitutes an economic and social liability; substantially impairs or arrests the sound growth of the community; retards the provision of decent, safe, and sanitary housing accommodations; depreciates assessable values of surrounding properties; causes an abnormal exodus of families and businesses from these neighborhoods and businesses, and is detrimental to the health, the well-being, and the dignity of the many residents of these neighborhoods and these businesses; and

WHEREAS, the problems resulting from the existence of these blighted and deteriorated properties cannot effectively be dealt with by private enterprise without the provisions herein; and

WHEREAS, the benefits which will result from eliminating the blighted properties which cause the blight and deterioration of property will occur to the inhabitants of the neighborhoods and operations of those businesses in which these conditions exist and to the residents of the City generally,

NOW, THEREFORE, be it duly ordained by the for the City Council of London, Kentucky as follows:

**SECTION I
Declarations**

It is hereby declared:

- (1) That it is the policy of the City of London, Kentucky to protect and promote the health, safety, and welfare of the residents of the City by eliminating the blight and deterioration of businesses and neighborhoods through the elimination of blighted and deteriorated properties within these areas of the City;
- (2) That 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; and
- (3) That the necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

**SECTION 11
Definitions**

Unless the context requires otherwise:

- (1) "Blighted" or "deteriorated" property means any vacant structure or vacant unimproved lot or parcel of ground in a commercial or residential area which:

- (a) Because of physical condition or use is regarded as a public nuisance at common law;
 - (b) 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;
 - (c) Because it is dilapidated, falling apart, 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 or business use;
 - (d) Is a fire hazard or is otherwise dangerous to the safety of persons or property;
 - (e) Has had the utilities, plumbing, heating, sewerage, or other facilities disconnected there from, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
 - (f) 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
 - (g) Has not been rehabilitated within the time constraints placed upon the owner by the appropriate codes enforcement agency.
- (2) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development, or disposal of a property in the preparation of such property for residential, business or related uses, as may be appropriate or necessary.
- (3) "Residential and related use" means 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,
- (4) "Business and related use" means commercial property for sale, rent or engaged in any retail or wholesale commercial business.
- (5) "Vacant Property Review Commission" means the Commission established by this ordinance to review vacant properties and to make a written determination of blight and deterioration.
- (6) "Inspector" means City of London Building Inspector.

SECTION III Vacant Property Review Commission

- (1) There is hereby established and created a Vacant Property Review Commission (the "Commission") for the City of London. The Commission shall be composed of five members who shall be appointed by the Mayor with the approval of the City Council. Members of the Commission shall be residents of the City of London 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,
- (2) 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.
- (3) 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 Building Inspector ("Inspector") when and as necessary to consider properties alleged by the Inspector to be blighted or deteriorated within the meaning of this ordinance.

SECTION IV Procedures

- (1) When the Inspector considers any property within the City to be blighted or deteriorated, the Inspector and/or the London City Police 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 ordinance 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 ordinance.
- (2) If the conditions set forth in the Inspector's Notice and Order are not in full corrected and abated within the time period therein set forth, the Inspector shall place the matter on the agenda for the next formal meeting of the City's Planning and Zoning Commission for that body's determination of whether the reuse of the property for residential, business and related uses is in keeping with the City's Comprehensive Plan.
- (3) If the Planning and Zoning Commission shall determine that the reuse of the property for residential, business and related uses is in keeping with the City's Comprehensive Plan, the Inspector 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 Inspector 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.
- (4) 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 ordinance, 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 ninety (90) days of the receipt of such notice. An extension of the ninety (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.
- (5) 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 Council 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 Inspector 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 ordinance 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 ordinance;
 - 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, business and related use is in keeping with the City's comprehensive plan. 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 Council.

- (5) Notice which may be, or is required to be, given under the terms of this ordinance 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 Inspector 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 Laurel 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.

SECTION V Eminent Domain Proceedings

- (1) The City Council of the City of London, Kentucky may institute eminent domain proceedings in accordance with the provisions of Kentucky Revised Statutes Chapter 416 against any property, and may through such proceedings acquire any property, which has been certified as blighted or deteriorated by the Council if it finds:
 - a. That the property has deteriorated to such an extent as to constitute a serious and growing menace to the public health; safety, and welfare;
 - b. That such property is likely to continue to deteriorate unless corrected;
 - c. That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
 - d. That the owner of such property has failed to correct the deterioration of the property.

The findings required as above set forth shall be included in any Order of the City Council authorizing the institution of eminent domain proceedings.

SECTION VI: Use of the Property by the City of London

- (1) The City, following its acquisition of blighted or deteriorated property in accordance with foregoing provisions, shall have the power to hold, clear, manage, or dispose of the property so acquired for residential, business or related use, in keeping with the applicable zoning.

**SECTION VII
Effective Date**

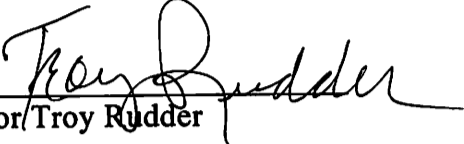
- (1) This ordinance shall be effective immediately upon its adoption by the City Council on second reading and publication in accordance with the applicable provisions of Kentucky law.


This Ordinance shall be in full force and effect upon second reading, adoption and publication according to law. Any Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

Date of First Reading: January 7, 2008

Date of Second Reading: February 4, 2008

Publication Date: February 11, 2008


Mayor/Troy Rudder

Attested: 
Connie McKnight
City Clerk