

**CITY OF WINCHESTER, KENTUCKY**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING AN ABANDONED URBAN  
PROPERTY AND BLIGHTED URBAN PROPERTY IN THE CITY OF  
WINCHESTER CODE OF ORDINANCES CLASSIFIED AS  
SEPARATE CLASS OF REAL PROPERTY**

**WHEREAS**, The Kentucky General Assembly has enacted KRS 92.305, permitting cities of the Home-Rule class to a separate rate of taxation on Abandoned and Blighted Urban Properties under the provisions of KRS Chapters 92, 99, and 132; and

**WHEREAS**, the Winchester Board of Commissioners finds and declares that there exists Abandoned and Blighted Urban Properties within the boundaries of the City; and

**WHEREAS**, the Board of Commissioners finds that Abandoned and Blighted Urban Properties require greater code enforcement activities, maintenance, and services such as police and fire protection by the City, which result in significant financial costs for the City; and

**WHEREAS**, The Board of Commissioners is committed to eliminating and rehabilitating blighted, vacated, or abandoned real properties.

**NOW THEREFORE** be it ordained by the Board of Commissioners of the City of Winchester, Kentucky as follows:

**SECTION I.** That the following language shall be adopted and codified:

**Sec. 2-500. – Abandoned or Blighted Urban Properties Classified as Real Property for Tax Purposes.**

Abandoned Urban Property is established as a separate classification of real property for ad valorem taxation. As used herein, "Abandoned Urban Property" shall mean:

- A) Any vacant structure or vacant or unimproved lot or parcel of ground located within the boundaries of the City which has been vacant or unimproved for at least one (1) year and which:

- (1) Because it is dilapidated, unsanitary, unsafe, vermin-infested, or otherwise dangerous to the safety of persons and is unfit for its intended use; or
- (2) By reason of neglect or lack of maintenance, has become a place for the accumulation of trash and debris and/or has become infested with rodents or other vermin; and
- (3) Has been delinquent on property taxes for at least three years; or
- (4) Is located within a development area established under KRS 65.7049, 65.7051, and/or 65.7053;
- (5) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;

(B) Any property in the City that has been identified as "blighted or deteriorated" by the Administrative Hearing Board, in its capacity as a Vacant Property Review Commission, shall have the definition set forth in KRS 99.705

**Sec. 2-502. – Rate of Taxation**

The rate of ad valorem taxation levied upon Abandoned Urban Properties is one dollar fifty cents (\$1.50) on each one-hundred dollars (\$100) of value in addition to the normal ad valorem tax.

All money and funds derived from the Abandoned Urban Property tax under the provisions of this chapter shall be paid to the City and placed in a fund designated for legal fees, demolition, and/or rehabilitation of said property.

**Sec. 2-503 Responsibilities Delegated to Code Enforcement Officer**

- (A) As set forth in KRS 92.305 each year, the Code Enforcement Officer shall determine which properties located within the City are Abandoned Urban Properties and shall prepare and furnish a list thereof to the Clark County Property Valuation Administrator before the date fixed for the annual assessment of real property within Clark County.
- (B) Except as otherwise provided in Subsection (C) of this Section, the property classified by the Code Enforcement Officer as Abandoned Urban Property as of the date fixed for the annual real property assessment, shall be taxed as Abandoned Urban Property for such tax year. If the owner repairs, rehabilitates, or otherwise returns the property to productive use, the owner shall notify the City in writing

by and through its clerk. If the City finds the property is no longer Abandoned Urban Property, the City shall notify the Clark County Property Valuation Administrator to strike the property from the list of Abandoned Urban Properties as of the succeeding date fixed for the annual assessment of the real property within Clark County.

- (C) No later than May 1 of each year, the Code Enforcement Officer shall mail by regular first-class mail to the owners of each Abandoned Urban Property, as those names are listed in the records of the Property Valuation Administrator, a notice that the property has been classified as Abandoned Urban Property. If the owner of any Abandoned Urban Property believes that the property has been incorrectly classified as such, may appeal the classification to the Administrative Hearing Board. Such appeal shall be in writing and made no later than June 1 of that year. The Administrative Hearing Board shall afford the owner the opportunity for a hearing. If the Administrative Hearing Board finds that the property was incorrectly classified as Abandoned Urban Property, it shall cause the property to be removed from the list of the property so classified, and the property shall not be taxed as an Abandoned Urban Property for that tax year.
- (D) Once the property is on the Administrative Hearing Board Assessment List, the property shall be evaluated on an annual basis to determine if it shall be removed from the list.

#### **Sec. 2-504. - Severability**

Shall any clause, paragraph, or section of this Ordinance be ruled void or unenforceable by any court of competent jurisdiction, the remainder thereof is intended to be enacted and shall be in full force and effect notwithstanding.

**SECTION II.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION III.** All portions of this Ordinance creating or amending the Code designate words and figures, which are deleted by including such words and figures stricken with solid lines through the center. Words and figures added to the creation or amendment are underlined. The codifier is instructed to omit the words and figures deleted and add the underlined text when codifying this Ordinance.

**Introduced** for first reading at a regular meeting of the Winchester Board of Commissioners held on \_\_\_\_\_ and second reading and adopted at a regular meeting held on \_\_\_\_\_.

Mayor Reed: \_\_\_\_\_

Commissioner Book: \_\_\_\_\_

Commissioner Cox: \_\_\_\_\_

Commissioner Strode: \_\_\_\_\_

Commissioner Toole: \_\_\_\_\_

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JoEllen Reed, Mayor

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Joy L. Curtis, City Clerk

Prepared By:

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William A. Dykeman

City Attorney