

CITY OF SHIVELY
ORDINANCE NO. 12, SERIES 2023
CERTIFIED SUMMARY
AN ORDINANCE ESTABLISHING A SEPARATE CLASSIFICATION FOR REAL
PROPERTY KNOWN AS “ABANDONED URBAN PROPERTY” FOR PURPOSES OF
ASSESSING AD VALOREM TAXATION WITHIN THE CITY OF SHIVELY

I hereby certify that the foregoing ordinance provides for the levying of a separate rate of taxation on abandoned urban property and blighted or deteriorated properties in the City of Shively pursuant to KRS 92.305, KRS 132.012 and KRS 99.700 to 99.730. The rate of ad valorem taxation levied upon abandoned urban properties shall be \$0.75 per one hundred dollars (\$100.00) of assessed value of such real property but in no instance shall it exceed the maximum tax rate allowable by law.

The complete text of said ordinance may be read at the office of the Shively City Clerk, Shively City Hall, 3920 Dixie Highway, Shively, Kentucky 40216.

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**CITY OF SHIVELY
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REAL PROPERTY KNOWN AS "ABANDONED URBAN PROPERTY" FOR
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WHEREAS the City of Shively is committed to clean up blighted, deteriorated, vacated and abandoned real properties, and

WHEREAS the Shively City Council has found and declared that abandoned urban property as defined by KRS 132.012 exists within the boundaries of the city and further has found that there exists blighted or deteriorated property pursuant to KRS 99.700 to 99.730, and

WHEREAS the Shively City Council has determined that abandoned urban properties and blighted and deteriorated properties require an increased level of city services, such as police and fire protection and city code enforcement, and

WHEREAS KRS 92.305 permits the city to levy a separate rate of taxation on abandoned urban property and blighted or deteriorated properties pursuant to KRS 132.012, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. A new Sub-chapter 40.05 of the City of Shively Codified Ordinances entitled Abandoned Urban Property is hereby created and adopted as follows:

SECTION 2. DEFINITIONS:

"Abandoned urban property" is established as a separate classification of real property for the purpose of ad valorem taxation. As used in this article, abandoned urban property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly developed urban area which has been vacant or unimproved for a period of at least one (1) year and which:

- (a) Because it is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use; or
- (b) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or
- (c) Has been tax delinquent for a period of at least three (3) years; or
- (d) Has had a methamphetamine contamination notice posted as provided in KRS 224.1-410 for a period of at least ninety (90) days, and the owner has

neither appealed the notice nor provided a certificate of decontamination during the ninety (90) days; or

- (d) Is located within a development area established under KRS 65.7049, 65.7051, and 65.7053.

SECTION 3. Ad Valorem Tax Assessed.

Pursuant to KRS 92.305 and 132.012 there is hereby established an ad valorem real property tax on the assessed value of all abandoned urban property within the City of Shively as of the January 1 assessment date of each year, in addition to all other ad valorem taxes. The rate of ad valorem taxation levied upon abandoned urban properties shall be \$0.75 per one hundred dollars (\$100.00) of assessed value of such real property, but in no instance shall it exceed the maximum tax rate allowable by law.

SECTION 4. Determination of Abandoned Property.

The vacant property review commission shall each year determine which properties are abandoned urban properties, based upon referrals provided to it by the division of code enforcement or other appropriate government agencies. A list of such properties shall be prepared and furnished to the Shively City Clerk, City Tax Collector, City Treasurer and the Jefferson County Property Valuation Administrator prior to January 1 of each year.

SECTION 5. Taxation of Abandoned Property.

Any property classified by the vacant property review commission as an abandoned urban property as of January 1 shall be taxed as an abandoned urban property for such tax year at the rate provided in this ordinance. If a property classified as abandoned urban property is repaired, rehabilitated, or otherwise returns to productive use, the owner shall notify the vacant property review commission which shall, if it finds the property is no longer abandoned urban property, notify the division of revenue and property valuation administrator to strike the property from the list of abandoned urban properties as of the succeeding January 1.

SECTION 6. Notice.

- (a) No later than May 1st of each year, the City of Shively shall mail, by first class mail, to the owner or other party in interest as listed in the records of the property valuation administrator of each abandoned urban property, notice that the property has been classified as abandoned urban property pursuant to this article.
- (b) The owner or other party in interest of any abandoned urban property who believes that the property has been incorrectly classified may appeal such classification to the vacant property review commission. Appeal to the vacant property review commission may only be made on the basis that the property was incorrectly classified as abandoned urban property in that it did

not meet the criteria for abandoned urban property established in this ordinance as of January 1 of that tax year. Such appeal shall be in writing and must be received by the vacant property review commission within thirty (30) days of the date the notice was mailed.

- (c) The vacant property review commission shall afford the owner the opportunity for a hearing upon the timely filing of an appeal.
- (d) If the vacant property review commission finds that the property was incorrectly classified as an abandoned urban property, it shall cause the property to be removed from the list of properties so classified and will provide the division of revenue and the property valuation administrator with such changes so that they can be stricken for that tax year. In the event that an incorrectly classified property is not removed from the list of properties for that year, the owner may apply for and obtain a refund for any overpayment of the abandoned urban property tax for that tax year.
- (e) The vacant property review commission shall develop policies and procedures for conducting such appeals consistent with procedures for appeals of determination and valuation by the vacant property review commission in City of Shively Code of Ordinances, that at a minimum will provide the owner with at least ten (10) days' written notice before the scheduling of the appeal. The decision of the vacant property review commission on an appeal shall be a final action appealable to the Jefferson County Circuit Court.

SECTION 7. Severability.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect the other provisions that can be given effect without the invalid provision or application.

SECTION 8. This ordinance shall take effect upon its adoption by the Shively City Council and publication as required by law.

First reading: _____.

Second reading: _____.

Passed and approved: _____.

Introduced by: Ms. Wakaba

Maria D. Johnson

Maria Johnson, Mayor

Attest: *Mitzi R. Kasitz*
Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Bizzle	<u>ABSENT</u>	<u> </u>
Ms. Burton-McBroom	<u>✓</u>	<u> </u>
Mr. Gibson	<u>✓</u>	<u> </u>
Ms. Thompson	<u>✓</u>	<u> </u>
Mr. Vincent	<u>✓</u>	<u> </u>
Ms. Wakaba	<u>✓</u>	<u> </u>