

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2021#19**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE
DAYTON CODE OF ORDINANCES TO READOPT THE
2021 INTERNATIONAL PROPERTY MAINTENANCE
CODE AND ADOPT THE 2021 INTERNATIONAL
ENERGY CONSERVATION CODE AND AMEND OTHER
PROVISIONS TO CONFORM WITH THE CITY CODE OF
ORDINANCES.**

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

Section I

That Chapter 150.03 of the City of Dayton code of ordinances is amended as follows:

**§150.03 Readoption of International Property Maintenance Code and Adoption of the
International Energy Conservation Code; Amendments.**

(A) Adoption. That certain document, a copy of which is on file in the office of the City, being marked and designated as “The 2021 International Property Maintenance Code” and “the 2021 International Energy Conservation Code,” as published by the International Code Council, Inc. (ICC) is hereby adopted as the property maintenance code and the energy conservation code, respectively, for buildings and structures within the city as herein provided. Each and all of the regulations of 2021 International Property Maintenance Code” (“Property Maintenance Code”) and “the 2021 International Energy Conservation Code” (“Energy Conservation Code”) are hereby referred to, readopted, adopted, and made a part hereof, as if fully set forth herein. If any conflicts that arise between the Property Maintenance Code and/or the Energy Conservation Code with the City of Dayton Code of Ordinances, the language in the city’s Code of Ordinances shall prevail.

(B) Suits pending, etc. Nothing in this section or in the Property Maintenance Code or the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this section.

(C) Amendments to Property Maintenance Code. Under the Property Maintenance Code, the term “code official” refers to the City of Dayton Director of Code Enforcement and/or his or her deputies. The following sections of the 2021 International Property Maintenance Code, are hereby revised as follows:

(1) Section 101.1, Insert: “the City of Dayton, Campbell County Kentucky”

(2) Section 102.3, Delete in its entirety and replace with “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, the Uniform State

Building Code as is established by the Board of Housing, Buildings and Construction of the State of Kentucky, National Electrical Safety Code, the National Electric Code and City of Dayton Code of Ordinances.

(3) Section 103.1, Insert: “the City of Dayton, Kentucky, Code Enforcement Department”

(4) Section 103.2, Delete “chief appointing authority” and replace with “Mayor.”

(5) Section 107.1, Delete in its entirety and replace with “Any person directly affected by a decision of the code official or a notice or order issued under this code shall be subject to the civil penalties outlined in Section § 38.15 of the Dayton Code of Ordinances (“City Code”) and shall have the right to appeal to the City of Dayton Code Enforcement Board, provided that a written application for appeal is filed with the City Clerk within 10 days after the day the decision, notice, or order was served. See Chapter 38 of the City Code.

(6) Section 107, including subsections .1, .2, .3, and .4, Delete in its entirety.

(7) Section 108, including subsection .1, Delete in its entirety, including subsection .1.

(8) Section 109, including subsections .1, .2, .3, .4, and .5, Delete in its entirety.

(9) Section 201.3, Delete in its entirety and replace with “Where terms are not defined in this code and are defined in the Kentucky Building Code, Kentucky Residential Code, City of Dayton Code of Ordinances, National Electrical Code or any applicable code adopted and enforced by the Commonwealth of Kentucky, Campbell County, Kentucky, and the City of Dayton, Kentucky, such terms shall have the meanings ascribed to them as stated in those codes.”

(10) Section 202, Insert the following definition: “OUTDOOR STORAGE. The keeping of personal or business property in any open space or outdoor area outside of a building or structure. For the purpose of this definition, property shall not include items that were originally designed for continuous outdoor use (e.g., lawn furniture, grills, playground equipment).”

(11) Section 302.1, Insert: “and all outdoor storage shall be removed.”

(12) Section 302.4, Insert: “six (6) inches”

(13) Section 302.8, Delete in its entirety and replace with “No inoperative, abandoned, or unlicensed motor vehicle, trailer, recreational vehicle, camper, boat or similar equipment shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. All motor vehicles, trailers, recreational vehicles, campers, boats and similar equipment shall be parked, kept or stored on a paved surface. All trailers, recreational vehicles, campers, boats and similar equipment shall be parked, kept or stored in the rear yard and may be parked, kept or stored in the side yard behind the front structure line of the principal structure if approved by the Board of Adjustment. In no case shall more than one trailer, recreational vehicle, camper,

boat or similar equipment be permitted outside of an enclosed building on any premises.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.”

(14) Section 303.2, Delete in its entirety and replace with “Enclosures for swimming pools, hot tubs, and spas shall be regulated by the Kentucky Building Code, Kentucky Residential Code, the City of Dayton Zoning Ordinance, and any applicable codes adopted and enforced by the Commonwealth of Kentucky.”

(15) Section 304.14. Insert: “April 1 to October 31”

(16) Section 401.3, Replace “International Building Code” with “Kentucky Building Code, Kentucky Residential Code, or any applicable code adopted and enforced by the Commonwealth of Kentucky”

(17) Section 602.3, Insert: “October 1 to April 1”

(18) Section 602.4, Insert “October 1 to April 1”

(19) Section 702.1, Delete: “International Fire Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(20) Section 702.2, Delete: “International Fire Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(21) Section 702.3, Delete: “International Building Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(22) Section 702.4, Delete: “International Building Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(23) Section 703.7, Delete: “International Building Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(24) Section 704.1, Delete: “International Fire Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(25) Section 704.1.2, Delete: “International Building Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(26) Section 704.4.2, Delete: “International Building Code” and replace with “Kentucky Building Code, City of Dayton Code of Ordinances, and the International Fire Code”

(27) Section 705.1, Delete: “International Residential Code” and replace with “Kentucky Building Code, Kentucky Residential Code, City of Dayton Code of Ordinances, and the International Fire Code”

(D) Amendments Energy Conservation Code. Under the Energy Conservation Code, the term “code official” refers to the City of Dayton Director of Code Enforcement and/or his or her deputies. The 2021 International Energy Conservation Code, excluding appendices, are hereby adopted by the City of Dayton, Kentucky, with the following revision:

(1) Section C101.1, Insert: “the City of Dayton, Campbell County Kentucky”

(E) Severability. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council for the City of Dayton hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

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 Dayton, Campbell County, Kentucky assembled in regular session.


First Reading: Nov. 16, 2021

Second Reading: *DEC. 7, 2021*



MAYOR BEN BAKER

ATTEST:



DONNA LEGER
CITY CLERK/TREASURER