

CITY OF DAYTON, KENTUCKY

ORDINANCE 2022#9

AN ORDINANCE AMENDING SECTION 37.15 AND SECTION 99.99
OF THE CITY OF DAYTON CODE OF ORDINANCES TO
ESTABLISH CIVIL PENALTIES UNDER THESE CODE SECTIONS.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY,
KENTUCKY:

Section 38.15 of the City of Dayton Code of Ordinances is hereby repealed, and a new Section 38.15 is hereby enacted as follows:

§ 38.15 CIVIL PENALTIES.

(A) Any person, firm, corporation, or titled owner who violates a provision of this ordinance, including the City's International Property Maintenance Code, as set forth in Chapter 150 of the Code, and/or the City's Nuisance Code, as set forth in Chapter 99 of the Code, shall be subject to a civil fine of not less than \$50 per day per violation, but not more than \$100 per day per violation for the first 30 days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than \$100 per day per violation, but not more than \$250 per day per violation, until the violation(s) are corrected. The city may also recover any costs it incurs in abating the violation(s).

(B) Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of \$5,000 per citation. A Code Enforcement Officer may suspend daily fines if a property owner submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer may revoke the suspension if, in his or her opinion, remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.

(C) If the property owner timely appeals the violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion or that a financial hardship prevented the property owner from remediating the violation(s).

(D) The City of Dayton shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing the Code and may place a lien on this parcel of real property pursuant to the Code and Kentucky law. The lien shall be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes.

Section 99.99 of the City of Dayton Code of Ordinances is hereby repealed, and a new Section 99.99 is hereby enacted as follows:

§ 99.99 CIVIL PENALTIES.

(A) Any person, firm, corporation, or titled owner who violates a provision of this ordinance shall be subject to a civil fine of not less than \$50 per day, per violation, but not more than \$100 per day, per violation, for the first 30 days a violation is not corrected, and thereafter, a civil fine of not less than \$100 per day, per violation, but not more than \$250 per day, per violation, until a violation is corrected, and costs incurred by the City of Dayton to abate the violation(s). Each date a violation of this ordinance continues after due notice has been served shall be deemed a separate offense, up to a maximum of \$5,000 per citation.

(B) The City of Dayton shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing the Code and placing of a lien on the parcel of real property pursuant to the Code. The lien shall be superior to and have priority over all other subsequently filed liens, except state, county, school board, and city taxes.

First Reading: April 19, 2022

Second Reading: *MAY 3, 2022*

CITY OF DAYTON, KENTUCKY

By: *BB*
Mayor Ben Baker

ATTEST:

Donna Leger
Donna Leger, City Clerk