

Dayton City Council
August 2, 2022
Community Meeting Center
625 Second Ave.
Dayton, KY

ROLL CALL:

PRAYER & PLEDGE:

MAYOR'S REPORT:

Motion to accept the minutes from the July 19, 2022, meeting.

Mayor asks for audience comments regarding any legislation appearing on tonight's agenda:

Ordinances:

Second Reading: Ordinance 2022#16 – An ordinance authorizing the use of golf carts on certain streets within the City of Dayton.

Second Reading: Ordinance 2022#18 – An ordinance to increase the number of members on the Museum Board from three to five members.

Second Reading: Ordinance 2022#19 – An ordinance amending Ordinance 2020#14 setting forth compensation and number of authorized positions for employees under the Dayton Job Classification System.

First Reading: Ordinance 2022#20 – An ordinance creating a new subchapter of Chapter 150 rental property titled "Residential Rental License and Safety Inspection Program," to establish a rental property inspection program.

Frist Reading: Ordinance 2022#21- An ordinance creating a new Chapter 117 of the Dayton Code of Ordinances, titled "City of Dayton Smoke-Free Air Ordinance," to prohibit smoking in places of employment and public places in the City of Dayton.

RESOLUTIONS/ORDERS:

Resolution/Order 2022#26R-Approving rules & regulations for the use and operation of Golf Carts in the City of Dayton, KY.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR'S REPORT:

AUDIENCE:

UNFINISHED BUSINESS:

NEW BUSINESS:

EXECUTIVE SESSION:

ADJOURNMENT:

CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2022#16

AN ORDINANCE AUTHORIZING THE USE OF GOLF CARTS ON CERTAIN STREETS WITHIN THE CITY OF DAYTON; PROVIDING FOR INSPECTION AND A CITY PERMIT AND STICKER; ESTABLISHING SPEED LIMITS AND REQUIRED EQUIPMENT; HOURS OF OPERATION, AGE, AND OPERATOR'S LICENSE; AND, EMPOWERING THE CITY ADMINISTRATOR TO MAKE AND/OR AMEND RULES AND REGULATIONS REGARDING OWNERSHIP AND OPERATION OF GOLF CARTS.

* * *

WHEREAS, KRS 189.286 authorized the use of golf carts on designated City streets; and

WHEREAS, KRS 189.286 authorized the City to regulate the operation of golf carts in the City by the adoption of an ordinance; and

WHEREAS, some Dayton residents have requested that the use of golf carts be allowed on the streets of Dayton.

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

Section 1

The City of Dayton hereby permits the golf carts to travel on city streets pursuant to the regulations enacted in this ordinance and subsequent City regulations and state statutes.

Section 2

For purposes of this ordinance, "golf cart" is defined in the same manner as it is defined in KRS 189.286.

Each golf cart must have the following equipment:

1. Headlamps;
2. Tail lamps;
3. Stop lamps;
4. Front and rear turn signals;
5. One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear;
6. An exterior mirror mounted on the driver's side of the golf cart and either an exterior mirror mounted on the passenger's side of the golf cart or an interior mirror;

7. A parking brake;
8. For each seat, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. § 571.209;
9. A horn that meets the requirements of KRS 189.080; and
10. A slow-moving vehicle emblem in compliance with KRS 189.820.

Section 3

The owner of a golf cart shall be required to:

1. Have the golf cart inspected by the Campbell County Sheriff;
2. Obtain a permit and windshield sticker from the City of Dayton for a fee of twenty-five (\$25.00) dollars each year. The permit and sticker shall be valid for one calendar year. The owner of the golf cart must display the sticker on the cart windshield; and
3. Insure the golf cart in compliance with KRS 304.39-080, with proof of insurance inside the golf cart at all times.

Section 4

A person may operate a golf cart on a public roadway only if:

1. The golf cart does not exceed a speed of twenty-five (25) miles per hour;
2. The golf cart is operated only on streets with a posted speed limit of twenty-five (25) miles per hour or less;
3. The golf cart operator does not cross an intersection where the intersecting roadway has a posted speed limit of more than thirty-five (35) miles per hour or more;
4. The golf cart operator has a valid operator's license in his or her possession;
5. The headlamps and tail lamps are illuminated during operation.

Section 5

The golf cart and its occupants must comply with the City's noise ordinance and other relevant ordinances.

Section 6

Any person operating a golf cart on a public road shall be subject to the traffic regulations, as promulgated by KRS Chapter 189.

Section 7

A golf cart only may be parked on hard-surface pavement, such as parking lots, parking spaces on city streets, and in parking spaces designated by the City in its parks. It may not be parked on City sidewalks.

Section 8

The driver of a golf cart must drive in the right-hand lane unless making a left-hand turn. If the golf cart slows the normal flow of traffic, the golf cart driver must yield to vehicles, where possible.

Section 9

The City Administrator shall be empowered to make new rules and regulations, or to amend existing rules and regulations regarding the operation of golf carts in the City of Dayton.

Section 10

All ordinances, resolutions, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 11

This Ordinance shall be in effect, when read, passed, and published according to law.

CITY OF DAYTON, KENTUCKY

By: _____

Mayor Ben Baker

ATTEST:

Donna Leger, City Clerk

First Reading: July 19, 2022

Second Reading:

Publication:

CITY OF DAYTON, KENTUCKY

ORDINANCE NO. 2022#18

AN ORDINANCE AMENDING SECTION 34.50 OF THE CITY OF DAYTON CODE OF ORDINANCES TO INCREASE THE NUMBER OF MEMBERS ON THE MUSEUM BOARD FROM THREE TO FIVE MEMBERS.

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

Section 34.50 of the City of Dayton Code of Ordinances is hereby amended as follows:

§ 34.50 ESTABLISHMENT.

There is hereby established a Museum Board. The Board shall consist of ~~three (3)~~ five (5) members appointed by the Mayor.

First Reading: July 19, 2022

Second Reading:

Publication Date:

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Donna Leger, City Clerk

CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2022#20

AN ORDINANCE CREATING A NEW SUBCHAPTER OF CHAPTER 150 OF THE DAYTON CODE OF ORDINANCES, TITLED “RESIDENTIAL RENTAL LICENSE AND SAFETY INSPECTION PROGRAM,” TO ESTABLISH A RENTAL PROPERTY INSPECTION PROGRAM IN THE CITY OF DAYTON, INCLUDING OBLIGATIONS OF OWNERS OF RESIDENTIAL RENTAL PROPERTY IN THE CITY, HOW INSPECTIONS WILL BE CONDUCTED AND ENFORCED BY THE CITY, IMPOSING A RENTAL LICENSE FEE OF \$40 PER RENTAL UNIT, AND ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE OF NOT LESS THAN \$50 PER DAY, PER VIOLATION BUT NOT MORE THAN \$250 PER DAY, PER VIOLATION, UP TO A MAXIMUM OF \$5,000 PER CITATION AND A PROPERTY LIEN IN THE AMOUNT OF \$250 PER RENTAL UNIT.

WHEREAS, for the reasons set for in Section 158.81, titled “Findings” below, the Dayton City Council believes that this ordinance is needed to protect the public health and welfare by addressing substandard conditions in residential rental dwellings and to ensure that the City’s rental housing stock is properly maintained and residents of rental properties live in safe and healthy conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DAYTON, KENTUCKY:

Sections § 150.80 through § 150.99 of the Dayton Code of Ordinances (“Code”) are hereby repealed in full and replaced with a new subchapter of Chapter 150 of the Code, titled as “Residential Rental License and Safety Inspection Program,” as follows:

§ 150.80 GENERAL PROVISIONS.

(A) Scope. The provisions of this subchapter apply uniformly to the construction, maintenance, use, and occupancy of all buildings, mobile homes, structures, and premises, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing buildings, mobile homes, structures, and premises within the jurisdiction of the City, irrespective of when or under what codes such buildings or structures were originally constructed or rehabilitated. No person shall lease any residential rental property unit without complying with the terms of this subchapter and acquiring both an occupational license and a rental inspection license from the City of Dayton, Kentucky (“City”), as required herein.

(B) Title. This subchapter shall be known and may be cited as the “Residential Rental License and Safety Inspection Ordinance.”

§ 150.81 FINDINGS.

(A) A substantial number of Dayton citizens reside in rental dwellings that are substandard and/or are detrimental to health, safety, and welfare of these residents as well as to neighboring properties.

(B) Substandard conditions in residential rental dwellings are responsible for a wide array of significant health problems, such as childhood lead poisoning, asthma, and respiratory conditions that result from exposure to mold, pests, and other household allergens as well as increased rates of injury and mortality among the elderly.

(C) Requested and systematic inspections of rental dwellings can help to ensure that the City's rental housing stock is properly maintained and residents live in safe and healthy conditions.

(D) The continuation of substandard conditions in rental dwellings reduces property values in the City, causing economic hardships for all its citizens.

(E) The City desires to promote the health, safety, and welfare of its citizens and adopts this subchapter to ensure that all rental dwelling are safe, sanitary, and suitable in accordance with applicable ordinances and regulations enacted by the City.

§ 150.82 DEFINITIONS.

(A) Meaning of certain terms. Whenever the words "BUILDING," "BUILDING UNIT," "DWELLING," "DWELLING UNIT," "MOBILE HOME," "PREMISES" and "STRUCTURE" are used in this subchapter, they shall be construed as though they are followed by the words "or any part thereof or any premises accessory thereto." Words used in the singular include the plural and the plural the singular.

(B) Undefined words. Words not specifically defined in this subchapter shall have the common definition set forth in a standard dictionary, or the City's Code of Ordinances, the most current version of the International Property Maintenance Code, or the statewide Building Code or Fire Safety Code.

(C) For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"ADMINISTRATIVE SEARCH WARRANT." A written order of a judge or other officer authorized by statute to issue search warrants that commands the inspection of rental dwellings under this subchapter, which shall be obtained pursuant to Section 10.50 of the Dayton Code of Ordinances.

"BUILDING." A fixed construction with walls, foundation, and roof, such as a house, factory, or garage.

"BUSINESS REG

"CITY." The City of Dayton, Kentucky

“CITY CODE OF ORDINANCES” or “CODE.” The codification of the ordinances adopted by the City of Dayton, Kentucky, and published by American Legal Publishing Corporations, including supplements thereto.

“DILAPIDATED.” No longer adequate for the purpose or use for which it was originally intended, or the City has deemed it blighted.

“DWELLING UNIT.” Any enclosed space used or intended to be used -- wholly or in part -- for living and sleeping purposes, whether or not cooking and eating facilities are provided, including such space provided to third parties by the owner, including family members and friends, free of charge. Temporary housing, as defined hereinafter, shall not be classified as a “DWELLING UNIT.” Industrialized housing and/or modular construction used or intended for use of living and sleeping purposes shall be classified as DWELLING UNIT. DWELLING UNIT shall not include hotels or motels that primarily rent rooms on a daily or weekly basis, but it does include short-term rentals.

“FIRE SAFETY CODE.” The current NFPA Code (including NFPA 101, Life Safety Code), or any other code (such as electrical code or fire alarm code) adopted by the City and/or the Bellevue-Dayton Fire Department.

“HABITABLE ROOM.” A room or enclosed floor area used or intended to be used for living or sleeping purposes, excluding bathrooms, basement laundries, furnace rooms, utility rooms of less than 50 square feet of floor space, corridors, stairways, closets, storage spaces, unheated areas, and workshops and hobby areas below ground level.

“HOUSEHOLD.” One or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities.

“HOUSING CODE.” The current property maintenance code enforced by the the City, including the International Property Maintenance Code and nuisance ordinances adopted by the City.

“KENTUCKY BUILDING CODE.” The statewide Building Code adopted pursuant to KRS 198B.010 *et seq.*, or other versions of the Building Code applicable to the particular structure or building.

“MOBILE HOME.” A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and forty (40) body feet or more in length when in the traveling mode, has three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis, is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, includes plumbing, heating, air-conditioning, and electrical systems and may be used as a place of residence, business, profession, or trade by the owner, lessee or their assigns, and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.

“OCCUPANT.” Any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit, including family members and others who are living in the premises, whether or not they are paying rent to the owner or operator of the premises.

“OPERATOR.” Any person who has ownership, charge, care, control, or management of a building, or part thereof, in which building units are leased.

“OWNER.” Any person who alone, jointly, or severally with others, as of January 1 of each calendar year, beginning on January 1, 2022:

a) Has legal title to any premises, building, or dwelling unit, with or without accompanying actual possession thereof, including property for which the owner has granted or has attempted to grant equitable interest to an occupant, whether by land contract or other legal document; or

(b) Shall have charge, care, or control of any premises, building, or dwelling unit, as owner, as an agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant to it to the same extent as if he or she were the owner.

“PERSON.” Any individual, firm, corporation, limited liability company, association, partnership, cooperative, trust, or governmental agency.

“PREMISES.” A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied with a dwelling or other structure or unoccupied, and includes any such building or part thereof, accessory structure, or other structure thereon.

“SHORT-TERM RENTAL.” (a) Any residential dwelling unit or part thereof; (b) Offered or held out to the public or rented on a hosting website, web, or mobile application, or other online platform through which short-term rentals are listed, advertised, solicited, or otherwise held out for rent; and (c) For a duration of occupancy of less than thirty consecutive days, or longer if the short-term rental otherwise meets the definition herein.

“RENTAL DWELLING.” Any residential structure or residential or commercial building containing one or more units, which the owner and/or operator either actually rents or leases or intends to rent or lease to the public for residential purposes, excluding those buildings not covered by this subchapter.

“RENTAL INSPECTION LICENSE” or “INSPECTION LICENSE.” The rental dwelling license established and required by this subchapter.

“RENTAL DWELLING UNIT.” Any residential unit within a rental dwelling that is actually rented, leased, or otherwise made available to the public or is intended to be rented, leased, or otherwise made available to the public for residential purposes, excluding those units not covered by this subchapter. With regard to mixed-use properties, only those units within the parcel that are rented, leased, or made available to the public for residential purposes shall require a rental dwelling license.

“OCCUPATIONAL LICENSE.” The occupational license for every person engaged in the business of leasing or renting real property as required by Section 110.03(A)(2) of the City Code or Ordinances.

“RENTAL UNIT INSPECTOR” or “INSPECTOR.” Any authorized City employee or contractor, including, but not limited to, a License Inspector, Code Enforcement Officer, City Administrator, Assistant City Administrator, inspectors with the Campbell County Planning, Zoning, and Building Department, and inspectors with the Bellevue-Dayton Fire Department.

“RESIDENT.” Any adult or child residing within the City.

“SAFETY.” The condition of being reasonably free from danger and hazards that may cause accidents or disease.

“SUPPLIED.” Paid for, furnished by, provided by, or under the control of the owner, operator, or its agent.

“TEMPORARY HOUSING.” Any tent, trailer, transient mobile home, or any other structure used for human shelter that is designed to be transportable and that is not attached to the ground, to another structure, or to any utility system and remains on the same premises for more than 30 consecutive days.

“UNIT.” A room or group of rooms located within a building forming a single habitable unit.

§ 150.83 RESPONSIBILITIES OF OWNERS.

(A) Every owner and/or operator of a rental dwelling in the City must register every rental dwelling unit it owns or operates in the City every year and pay an annual rental license fee for each rental dwelling unit. The owner and/or operator must *also* acquire an occupational license to do business in the City and pay annual business license taxes pursuant to subchapter 110 of the Dayton Code of Ordinances.

(B) No person shall let a rental dwelling unit in the City for occupancy unless it is clean, sanitary, and complies with all applicable laws and the City Code of Ordinances, including the International Property Maintenance Code, the Kentucky Building Code, the Kentucky Fire Safety Code, and applicable Dayton city ordinances.

(C) Every owner of a building containing two or more rental dwelling units shall maintain in a clean and sanitary condition any shared entrances or shared stairways or public areas.

(D) Every owner of a building containing one or more rental dwelling units shall maintain the private sidewalks, curbs, and grassy areas contiguous to the rental property in a safe condition free of patent defects, trash and debris, and dangerous conditions.

(E) Every owner of a building containing one or more units shall comply with the provisions of the City of Dayton Code of Ordinances, including the removal from the premises of all brush, weeds, stumps, dead trees, obnoxious growth, filth, garbage, trash, and debris.

(F) Every owner of a building containing one or more rental dwelling units shall comply with all provisions of the City Code of Ordinances, including ordinances prohibiting nuisances as set forth in Chapter 99 of the Code. In addition, every owner of a building containing one or more units shall screen the area where garbage cans and receptacles are kept on the premises so that the garbage area is not easily visible to those persons using the public sidewalks and streets. Screening may be accomplished by the erection of a fence, planting shrubs and foliage, or by using a fence or foliage already in existence so long as such screening applies to applicable zoning and building codes.

§ 150.84 RENTAL INSPECTION LICENSE; FEES.

(A) No person or entity shall rent or offer for rent a dwelling unit in the City unless the building is covered by a current, unrevoked Dayton occupational license, as required by subchapter 110 of the Dayton Code of Ordinances, *and* a Dayton rental inspection license, as required by this subchapter.

(B) The City of Dayton hereby creates a Rental License and Safety Inspection Program (“program”), which shall become effective on January 1, 2023. Any individual or entity that owns or operates a rental dwelling in the City of Dayton shall obtain an annual rental inspection license from the City for each

rental dwelling unit(s) within that dwelling. Payment for each inspection license shall be due on April 15 of each year and will expire each April 15 thereafter. The City shall not issue a license to any individual or entity if it owes any taxes, fines, fees, or other obligations to the City.

(C) The annual rental license fee shall be forty dollars (\$40.00) for each rental unit, which shall be used to support and pay for the program operated through the City's Code Enforcement Department. Under the program, the City will endeavor to inspect all rental dwelling units in the city on a biennial basis, i.e., once every two years.

(D) The City Clerk shall issue initial licenses and renewals in the names of the owners of residential rental property. No license shall be issued by the City unless the rental dwelling unit for which the license is issued meets all requirements of this subchapter and applicable rules and regulations pursuant thereto.

(E) No rental inspection license shall be issued or renewed unless the owner or its designee has applied to the City on an application form provided by the City and signed this form. The owner of the rental dwelling shall provide convenient times for inspectors to enter the building to inspect the building under the program.

(F) The City will not issue or renew a rental inspection license for a rental dwelling unless the owner of the dwelling pays the annual fee for each rental unit in the dwelling. The City will not issue an occupational license for a property owner providing rental dwelling units in the City unless the owner first submits an application and pays an annual rental inspection license fee for each rental dwelling unit it owns or operates in the City.

(G) The City will not issue or renew the rental inspection license to an individual or entity not residing in the Commonwealth of Kentucky unless such applicant designates, in writing, with the City Clerk, the name and address of an agent within the Commonwealth of Kentucky.

(H) The owner of rental dwelling unit(s) in City must produce, if requested by the inspector or other City official, a copy of the rental inspection license for these dwelling unit(s). The rental inspection license is not transferable to another person or entity. Every person holding a rental inspection license shall give notice, in writing, to the inspector within 24 hours after transferring the property or otherwise disposing of ownership or legal control of it. Such notice shall include the name and address of the person or entity that now owns or controls the rental dwelling.

(I) Whenever, upon inspection of a rental dwelling unit, an inspector finds conditions or practices that violate provisions of this subchapter, he or she may serve upon the owner or its designee notice of such violation as provided herein. This notice shall be served by the City by either hand delivery to the owner or its agent or by first-class, U.S. Mail at its last known address. Such notice shall state that if the cited violations are not corrected within a reasonable time, the owner may be subject to civil fines and/or a suspension or revocation of owner's occupational license and/or rental inspection license.

(J) At the end of the time allowed for correction of any violations cited by the inspector, the inspector shall reinspect the rental dwelling unit, at a cost of \$40 per each additional inspection. If the inspector determines that the violations still exist or have not been properly corrected, then he or she may issue an order assessing fines for noncompliance and/or take action to suspend the City's rental inspection license and occupational licenses for the rental dwelling. The inspector shall notify the owner of this action in writing and the owner may request a hearing, in writing, before the Code Enforcement Board within seven days after receipt of the notice of violation.

(K) Any person whose license to operate a rental dwelling has been suspended and who has been notified as provided herein shall be entitled to a hearing in the manner provided for in § 150.88 of this

subchapter. The City will not revoke an rental inspection license while a hearing is pending. If, upon reinspection, the inspector finds that the rental dwelling cited with a notice of violation is now in compliance with this subchapter, then the inspector shall reinstate the license by written order, which will automatically cancel any pending hearing.

§ 150.85 INSPECTION.

(A) The inspector shall enforce the provisions of this subchapter. The inspector is authorized and directed to inspect rental dwelling units within the City in response to a complaint that an alleged violation of this subchapter may exist, when the inspector has valid reason to believe a violation of this subchapter has been or is being committed, or as part of a proactive rental inspection (“PRI”) program that the City may implement. Complaints to the City may be submitted by any individual, including an occupant of a rental dwelling unit, a neighbor, contractor, Code Enforcement Officer, or Police or Fire Department officer.

(B) The inspector is authorized to enter and inspect all premises subject to the provisions of this subchapter for the purpose of determining whether a rental dwelling or dwelling unit complies with the provisions of this subchapter. The inspector may enter any rental dwelling unit and the common areas used by the tenant in that rental dwelling at the tenant’s invitation, without the consent of the owner and/or operator of the rental dwelling.

(C) The inspector and the owner, occupant, or other person in charge of the premises may agree to an inspection by appointment.

(D) During inspections, the owner, occupant, or other person in charge of premises, upon presentation of proper identification by the inspector, shall allow the inspector to enter and have free access to every part of the premises. If access is refused, the inspector may apply for an administrative search warrant to gain access. The Dayton Police Department shall assist the inspector in preparing the administrative search warrant and presenting it to the Campbell District Court to secure issuance of the warrant.

(E) No owner or landlord shall retaliate against a tenant for lodging a complaint about his or her rental dwelling unit with the City.

§ 150.86 NOTICE OF VIOLATION.

(A) Whenever any inspector determines that any premises or rental dwelling unit in a rental dwelling fails to meet the requirements set forth in this subchapter, he or she shall issue a notice setting forth the alleged violations and advise the owner that such violation must be corrected (“notice”). This notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violations of this subchapter;
- (3) Describe the rental dwelling or rental dwelling unit where the violations are alleged to exist or to have been committed;
- (4) Provide a reasonable time, generally not to exceed 30 days, to make corrections to the alleged violations;

(5) Notify the owner or operator of the rental dwelling or rental dwelling unit responsible for compliance with the alleged violation(s) by regular U.S. mail;

(6) State that the violation must be corrected within 30 days and describe the procedure and time limit to apply for a reconsideration or formal hearing. An extension of this deadline may be given upon good cause at the discretion of the inspector.

(B) At the end of the period of time allowed for compliance, the inspector shall reinspect the premises or dwelling unit described in the notice.

§ 150.87 REPAIRS AND OTHER CORRECTIVE ACTION.

Whenever an owner of any rental dwelling unit fails, neglects, or refuses to make repairs or other corrective action cited in a notice, the inspector may either apply to the court for appointment of a receiver, or take other appropriate action permitted by the Kentucky Revised Statutes, the Dayton Code of Ordinances, or orders issued by the Campbell County District and/or Circuit Courts to collect rents and make repairs, or proceed in accordance with City ordinances relating to demolishing dilapidated or dangerous buildings.

§ 150.88 APPLICATIONS FOR HEARING; APPEALS.

(A) (1) Any person aggrieved by any notice or order of the inspector issued under this subchapter may file a petition setting forth his or her reasons for contesting the notice or order with the City of Dayton Code Enforcement Board (hereafter referred to as "Board"), within seven business days after receipt of such notice or order from the inspector.

(2) Upon receipt of the petition, the Board shall set a hearing date and notify the petitioner of this date. At the hearing, the City shall prosecute the case before the Board and present sufficient evidence to allow the Board to find, by a preponderance of the evidence, that a violation has occurred.

(3) At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.

(4) The Board may affirm, modify, or reverse the notice or order and may grant an extension of time for the performance of any act required where practical difficulty or undue hardship exists in connection with the performance of any act required by the notice or order and that such extension is in harmony with the general purpose of this subchapter to secure the public health, safety, and welfare, or the Board may fine the owner for noncompliance pursuant to the terms of this subchapter.

(B) In addition to the other remedies outlined in this subchapter, any rental inspection license issued by the City, with notice to the holder thereof and after a hearing, may be revoked or suspended by the Board for the following:

(1) If the owner continually and persistently allows a public nuisance on the premises or permits persons occupying any rental dwelling to make or cause any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety, of others within the City limits;

(2) If the owner continually and persistently allows a public nuisance on the premises or permits persons occupying a rental dwelling to cause inconvenience, annoyance, or alarm or wantonly create a risk by engaging in fighting or in violent, tumultuous, or threatening behavior, or to cause a hazardous or physically offensive condition by any act that serves no legitimate purpose;

(3) If the owner continually and persistently allows a public nuisance on the premises or permits persons occupying any rental dwelling to emit or cause any foul, offensive, nauseous, noxious, or disagreeable odors that are extremely repulsive to the physical senses of reasonable persons, which annoy, cause discomfort, injury, or inconvenience to others within the City;

(4) If the owner fails to make corrections or repairs mandated by the inspector, which include, but are not limited to, work required to ensure the rental dwelling is safe and sanitary; or

(5) If the owner has failed to pay any city taxes, fees, or obligations.

(C) Final decisions of the Dayton Code Enforcement Board may be appealed to Campbell District Court.

(D) If an owner files an action for a writ of forcible detainer in the Campbell County District Court or for any action of ejectment in a court of competent jurisdiction for eviction of a tenant who is the cause of a nuisance, as described herein, then any proceeding before the Board shall be placed on hold pending a final determination by the court. If the court refuses to evict the offending tenant and the owner has made a good faith effort to abate the nuisance by eviction, then any pending proceeding before the Code Enforcement Board shall be dismissed. Dismissal shall not prevent the City, through the inspector, from implementing the provisions of this subchapter to abate future or continuing nuisances occurring in the rental dwelling.

(E) The inspector shall cooperate with an owner who is attempting to evict a tenant charged with creating a nuisance by furnishing documentary and/or oral evidence, if applicable, to the court to support the owner's efforts to prove the existence of a nuisance.

§ 150.89 PENALTY.

Violations of any provision in this subchapter shall be subject to the following schedule of civil fines:

(A) If a notice of violation or citation issued under this subchapter is not contested by the person charged with the violation, the penalties set forth in this section and in accordance with the notice issued shall apply.

(B) Any person or legal entity that 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 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), including attorney fees, court costs, and interest. 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 violation.

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

(D) Each section of this subchapter violated shall be considered a separate, finable offense. If two or more sections of this subchapter or other provisions of the City Code of Ordinances are violated, then the fines for these violations shall be cumulative.

(E) The Dayton Code Enforcement Board is hereby authorized to determine within its by-laws and rules of procedure the civil fines to be imposed under this subchapter for cases that come before the Board.

(F) Any person or legal entity that is delinquent in payment of the annual rental license fee of \$40 per unit per year one month after its due date shall subject to a lien in the amount of \$250 per rental unit.

CITY OF DAYTON, KENTUCKY

By: _____

Mayor Ben Baker

ATTEST:

Tiffany Myers, Interim City Clerk

First Reading: Aug. 2, 2022

Second Reading:

Publication:

AN ORDINANCE CREATING A NEW CHAPTER 117 OF THE DAYTON CODE OF ORDINANCES, UNDER TITLE XI, BUSINESS REGULATIONS, TITLED “CITY OF DAYTON SMOKE-FREE AIR ORDINANCE,” TO PROHIBIT SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES IN THE CITY OF DAYTON, KENTUCKY.

WHEREAS, for the reasons set for in Section 117.02, titled “Findings and Intent” below, the Dayton City Council believes that this ordinance is needed to protect the public health and welfare by prohibiting smoking in public places and places of employment, guarantee the right of all residents and visitors to breathe smoke-free air, and recognize that the need to breathe smoke-free air shall have priority and override the desire to smoke in all places of employment and public places in the City of Dayton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DAYTON, KENTUCKY:

A new section of the Dayton Code of Ordinances (“Code”) is created as Chapter 117 of the Code, titled as “City of Dayton Smoke-Free Air Ordinance,” as follows:

Section I

Section 117.01 Title

This Ordinance shall be known as the City of Dayton Smoke-Free Air Ordinance of 2022.

Section 117.02 Findings and Intent

The Dayton City Council does hereby find that:

Exposure to exhaled cigarette smoke, e-cigarette aerosol, and other tobacco-related emissions is harmful to health:

- The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that (1) secondhand-smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; and (4) there is no risk-free level of exposure to secondhand smoke.¹
- The 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, states that even occasional exposure to secondhand smoke is harmful and low levels of exposure to

secondhand tobacco smoke can lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke.ⁱⁱ

- According to the 2014 U.S. Surgeon General's Report, *The Health Consequences of Smoking—50 Years of Progress*, secondhand smoke exposure causes stroke in nonsmokers, and that exposure to secondhand smoke causes an estimated 41,000 deaths each year among adults in the United States.ⁱⁱⁱ
- Emissions from electronic smoking devices (ESDs), commonly referred to as electronic cigarettes, or “e-cigarettes,” are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.^{iv} Human lung cells that are exposed to ESD aerosol and flavorings show increased oxidative stress and inflammatory responses.^v The World Health Organization (WHO), the National Institute for Occupational Safety and Health (NIOSH), and the American Industrial Hygiene Association (AIHA) recommend that ESDs not be used in smoke-free environments to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke-free laws.^{vi}
- In a study of a Hookah lounge in Lexington, Ky., secondhand smoke from waterpipe smoking created high fine particulate concentrations, 3-6 times the National Ambient Air Quality Standard for outdoor air – a Clean Air Act limit on pollution.^{vii}

Smoking and exposure to secondhand smoke pose significant costs for businesses and the economy:

- Secondhand smoke costs the U.S. economy \$5.6 billion annually in lost productivity.^{viii}

Comprehensive, 100% smoke-free laws do not harm business:

- The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry.^{ix}

Comprehensive, 100% smoke-free laws are necessary:

- A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.^x
- The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke.^x
- The American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure and recommends that indoor environments be smoke-free in their entirety. In 2015, ASHRAE amended its ventilation Standard for Acceptable Indoor Air Quality (62.1) to include an environment that is

- completely free from marijuana smoke and emissions from electronic smoking devices.^{xi}
- During periods of active smoking either outdoors or indoors, peak and average outdoor tobacco smoke levels measured in outdoor cafes and restaurant and bar patios near smokers rival indoor smoke concentrations.^{xii}
- Secondhand smoke exposure may increase the risk of smoking, especially among never-smoking college students.^{xiii}

Accordingly, the Dayton City Council finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of all residents and visitors to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

Section 117.03 Definitions

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

“Bar” means an establishment that is devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

“Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs. This definition does not include “home occupations,” as set forth in Chapter 154, Article IX, Section 9.11 of the Dayton Code of Ordinances.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

“Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, including a contract employee, or a person who volunteers his or her services for a non-profit entity.

“Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

“Enclosed Area” means all space between a floor and a ceiling that has forty percent or more of its perimeter closed in by walls or other coverings of any material, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing

openings of any kind.

“Healthcare Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or aerosol from the burning or heating of material including, but not limited to, tobacco, shisha, or other plant matter.

“Place of Employment” means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a childcare, adult day care, or health care facility.

“Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public grounds.

“Private Club” means an organization, whether incorporated or not, which the owner, lessee, or occupant of a building or portion thereof uses exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

“Public Event” means an event which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, farmers’ markets, festivals, parades, performances, and other exhibitions, regardless of any fee or age requirement.

“Public Place” means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gambling facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a childcare, adult daycare, or healthcare facility.

“Reasonable distance,” for purposes of outdoor smoking under Section 117.08 and Section 117.09 of this ordinance, shall mean a reasonable distance between an individual who is smoking and a child or adult who is not smoking (“nonsmokers”), taking into consideration atmospheric conditions, such as wind and precipitation, and the confines of the outdoor space, but at no time shall the outdoor smoker be closer than 10 feet to nonsmokers.

“Recreational Area” means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, and zoos.

“Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public-school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” may include a bar area within the restaurant.

“Service Line” means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

“Shopping Mall” means an enclosed or unenclosed public walkway or hall area that serves to connect retail or professional establishments.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

Section 117.04 Application of Ordinance to City of Dayton Facilities and Property

All enclosed areas, including buildings and vehicles owned, leased, or operated by City of Dayton or under the control of City of Dayton shall be subject to the provisions of this ordinance.

Section 117.05 Prohibition of Smoking in Enclosed Public Places

Smoking shall be prohibited in all enclosed areas of public places within City of Dayton.

Section 117.06 Prohibition of Smoking in Enclosed Places of Employment

- A. Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities,

cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.

- B. This prohibition on smoking shall be communicated to all existing employees before the effective date of this ordinance and to all prospective employees upon their application for employment.

Section 117.07 Prohibition of Smoking in Enclosed Residential Facilities

Smoking shall be prohibited in the following enclosed areas of residential facilities:

- A. All private and semi-private rooms in long-term care facilities.
- B. All hotel and motel guest rooms.

Section 117.08 Prohibition of Smoking in Outdoor Places of Employment

- A. Smoking shall be prohibited within a reasonable distance of other persons in all outdoor places of employment where two or more employees are required to be present in the course of their employment. This includes, without limitation, work areas, construction sites, and associated indoor areas like temporary offices such as trailers, and restroom facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this ordinance and to all prospective employees upon their application for employment.

Section 117.09 Where Smoking Not Regulated

Notwithstanding any other provision of this ordinance to the contrary, smoking shall not be prohibited in all private clubs (as defined in Section 117.03) or private residences, unless used as a childcare, adult daycare, or healthcare facility.

Section 117.10 Declaration of Establishment or Outdoor Area as Nonsmoking

Notwithstanding any other provision of this ordinance, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of this section is posted.

Section 117.11 Posting of Signs and Removal of Ashtrays

The owner, operator, manager, or other person in control of a place of employment or public place City of Dayton facilities or property, or residential facility where smoking is prohibited by this ordinance shall:

- A. Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
- B. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places, clearly and conspicuously post “No Smoking” signs in a location visible to all employees, visitors, and patrons.
- C. Remove all ashtrays from any area where smoking is prohibited by this ordinance, except for ashtrays displayed for sale and not for use on the premises.

Section 117.12 Nonretaliation; Nonwaiver of Rights

- A. No person or employer shall discharge, refuse to hire, fail to promote, eject, or in any other manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this ordinance or reports or participates in the investigation or prosecution of a violation of this ordinance. Notwithstanding Section 117.16, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1,000 for each violation. Nothing in this subsection should be construed to waive or otherwise surrender any other legal right or remedy available to the employee, applicant for employment, customer, or resident.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 117.13 Enforcement

- A. The City of Dayton requests the assistance of the Northern Kentucky Independent District Health Department (NKY Health) to enforce this ordinance, or an authorized designee. The City will enter into an Interlocal Agreement with the NKY Health that establishes enforcement parameters in the event NKY Health agrees to assist with enforcement of the ordinance. Nothing herein shall be construed to prevent any peace officer with jurisdiction from issuing a citation for violation of this subchapter committed in his or her presence.
- B. Notice of the provisions of this ordinance shall be given by the City to all applicants for a business license in City of Dayton.
- C. Any person who desires to register a complaint under this ordinance may do so by contacting NKY Health by telephone or other identified methods.
- D. NKY Health or its designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Ordinance.
- E. An owner, manager, or operator, or an employee if an owner, manager, or operator is not

available, of an area regulated by this ordinance shall direct a person who is smoking in violation of this ordinance to extinguish or turn off the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

- F. Notwithstanding any other provision of this ordinance, an employee or private party may bring legal action to enforce this ordinance.
- G. In addition to the remedies provided by the provisions of this Section, NKY Health or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this ordinance may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.
- H. Any person or business aggrieved by enforcement action related to this ordinance may appeal that action to a court of competent jurisdiction.

Section 117.14 Violations and Penalties

- A. A person who smokes in an area where smoking is prohibited by the provisions of this ordinance shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- B. Except as otherwise provided in Section 117.13, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who knowingly fails to comply with the provisions of this ordinance shall be guilty of an infraction, punishable by:
 - 1. A warning that the person is not in compliance with the law, for an initial violation.
 - 2. A fine not exceeding one hundred dollars (\$100), for a second violation within one (1) year.
 - 3. A fine not exceeding two hundred and fifty dollars (\$250), for each additional violation within one (1) year.
- C. All fines collected are payable to NKY Health for reimbursement of services provided for enforcement of the ordinance.
- D. In addition to the fines established by this Section, violation of this ordinance by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued by the City of Dayton to the person for the premises on which the violation occurred.
- E. Each day on which a violation of this ordinance occurs shall be considered a separate and distinct violation.

Section 117.15 Public Education

The City of Dayton will provide education and related materials on this ordinance to businesses and the public. NKY Health may assist in the education and guidance to individuals, owners, operators, and managers on the purposes and requirements of this ordinance and their compliance with it. The education may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Section 117.16 Other Applicable Laws

This ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 117.17 Liberal Construction

This ordinance shall be liberally construed so as to further its purposes.

Section 117.18 Severability

If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

Section 117.19 Effective Date

This ordinance shall be effective sixty (60) days from and after the date of its second reading and adoption.

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Tiffany Myers, Interim City Clerk

First Reading: Aug. 2, 2022

Second Reading:

REFERENCES

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- ⁱ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
- ⁱⁱ U.S. Department of Health and Human Services. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.
- ⁱⁱⁱ U.S. Department of Health and Human Services. *The Health Consequences of Smoking—50 Years of Progress*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.
- ^{iv} Fuoco, F.C.; Buonanno, G.; Stabile, L.; Vigo, P., "Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes," *Environmental Pollution* 184: 523-529, January 2014.
- ^v Lerner CA, Sundar IK, Yao H, Gerloff J, Ossip DJ, McIntosh S, et al. "Vapors Produced by Electronic Cigarettes and E-Juices with Flavorings Induce Toxicity, Oxidative Stress, and Inflammatory Response in Lung Epithelial Cells and in Mouse Lung," *PLoS ONE* 10(2): e0116732, February 6, 2015.
- ^{vi} World Health Organization (WHO), "Electronic nicotine delivery systems," *World Health Organization (WHO)*, 2014
- ^{vii} Lee K, Bucholtz C, Robertson H, Vogel S, Hahn E. Indoor air quality in a Hookah Lounge: Is waterpipe smoking (hookah) related to indoor air pollution? 2008:1-4.
- ^{viii} Xu X, Bishop EE, Kennedy SM, Simpson SA, Pechacek TF. Annual Healthcare Spending Attributable to Cigarette Smoking: An Update. *American Journal of Preventive Medicine* 2014;48(3):326–33.
- ^{ix} Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzias, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225, September 2002.
- ^xU.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
- ^{xi} ANSI/ASHRAE Standard 62.1-2016 – Ventilation for Acceptable Indoor Air Quality. Atlanta, GA: American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. <https://www.ashrae.org/technical-resources/standards-and-guidelines/read-only-versions-of-ashrae-standards>
- ^{xii} Klepeis, N.; Ott, W.R.; Switzer, P., "Real-time measurement of outdoor tobacco smoke particles," *Journal of the Air & Waste Management Association* 57: 522-534, 2007.
- ^{xiii} Chizimuzo T C Okoli, Mary Kay Rayens, Amanda T Wiggins, Melinda J Ickes, Karen M Butler, Ellen J Hahn, "Secondhand Tobacco Smoke Exposure and Susceptibility to Smoking, Perceived Addiction, and Psychobehavioral Symptoms Among College Students," *J Am Coll Health*. 2016;64(2):96-103

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2022#6R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, APPROVING RULES AND REGULATIONS FOR THE
USE AND OPERATION OF GOLF CARTS IN THE CITY OF DAYTON,
KENTUCKY.**

WHEREAS, the City of Dayton has authorized the use and operation of golf carts within the City's jurisdiction by adoption of an ordinance; and

WHEREAS, the ordinance provides that rules and regulations related to the use of golf carts should be created by the City Administrator with approval of the City Council; and

WHEREAS, the attached rules and regulations are to be implemented by the City in conjunction with the golf-cart ordinance for the safety and protection of the City's residents and visitors.

**NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE CITY
COUNCIL OF THE CITY OF DAYTON, KENTUCKY THAT:**

The attached rules and regulations for the use of golf carts in the City of Dayton, Kentucky, which is incorporated by reference, are hereby approved.

AND IT IS SO ORDERED AND RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this 2nd day of August 2022.

This Order/Resolution shall be maintained and indexed in the Official Resolution and Order Book by the City Clerk/Treasurer.

MAYOR BENJAMIN BAKER

ATTEST:

TIFFANY MYERS

INTERIM CITY CLERK



CITY OF DATYON, KY GOLF CART RULES AND REGULATIONS

1. Restrictions on entry to Sixth Avenue; time period when operation is permitted

Golf carts may only enter Sixth Avenue from O'Fallon Avenue to Main Street at the traffic lights at the intersection with O'Fallon Avenue and Ervin Terrace or the four-way stop signs at the intersections with Berry, Clay, and Main Streets.

Golf carts may only be operated on city streets during the months of March through November. The operation of golf carts on city streets is prohibited during the months of December, January, and February.
2. Inspection and license.
 - a. The golf cart owner must complete and submit a Golf Cart Application form to the City.
 - b. The golf cart must pass an inspection by the Campbell County Sheriff.
 - c. The driver must be licensed to drive under Kentucky law.
 - d. The golf cart owner must pay a \$25 for a registration sticker before operating on the streets. The registration sticker is valid from May 1 to April 30 of each year. This fee will not be pro-rated.
 - e. The registration sticker must be displayed on the golf cart windshield.
 - f. The golf cart must be insured in compliance with KRS 304.39-080, with proof of insurance available inside the golf cart or in possession of the driver at all times.
3. Required Golf Cart Equipment:
 - a. Headlamps.
 - b. Tail lamps.
 - c. Stop lamps.
 - d. Front and rear turn signals.
 - e. A plastic or safety-glass windshield.

- f. One (1) red reflex reflector on each side as far to the rear as practicable, and one (1) red reflex reflector on the rear.
- g. An exterior mirror mounted on the driver's side of the golf cart and either an exterior mirror mounted on the passenger's side of the golf cart or an interior mirror.
- h. A parking brake.
- i. Tires with treads designed for driving on pavement and hard surfaces ("street tires" as opposed to "turf tires").
- j. For each seat, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. § 571.209 and as amended.
- k. A horn that meets the requirements of KRS 189.080 and as amended.
- l. A slow-moving vehicles emblem in compliance with KRS 189.820 and as amended.
- m. A golf cart registration sticker from the City on the windshield.
- n. Proof of insurance.

4. Operator Requirements During Operation.

- a. Must have a valid operator's license.
- b. Must have proof of insurance.

5. Golf Cart Rules.

- a. Golf carts shall not exceed a speed of twenty-five (25) miles per hour and shall only be operated on streets with a posted speed limit of twenty-five (25) miles per hour or less;
- b. The headlights and taillights must be illuminated during the cart's operation.
- c. The golf cart cannot hold more than six (6) people.
- d. A golf cart only may be parked on hard-surface pavement, such as parking lots, parking spaces on city streets, and other designated parking spaces. They may not be parked on City sidewalks.
- e. The golf cart and its occupants must comply with the City's noise ordinance and other relevant ordinances.
- f. The driver of a golf cart must drive in the right-hand lane and/or stay on the right side of a traffic lane unless making a left-hand turn. If the golf cart slows the normal flow of traffic, the golf cart driver must yield to vehicles to allow those vehicles to pass, where possible.
- g. Any person operating a golf cart on a public road shall be subject to Kentucky traffic regulations, as promulgated by KRS Chapter 189. For other rules and regulations not covered by KRS Chapter 189, a violation of these rules and regulations shall constitute a civil offense and shall be enforced under Chapter 38 of the Dayton Code of Ordinances.

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2022-#19**

AN ORDINANCE AMENDING ORDINANCE 2020-#14 SETTING FORTH COMPENSATION AND NUMBER OF AUTHORIZED POSITIONS FOR EMPLOYEES UNDER THE DAYTON JOB CLASSIFICATION SYSTEM.

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

SECTION ONE: Compensation ranges for employees and number of authorized positions under the Dayton Job Classification System shall be as follows:

<u>Position</u>	<u>(No. Authorized)</u>	<u>Pay Range</u>
City Administrative Officer	(1)	50,000.00 – 90,000.00
Assistant City Administrator	(0)	22,000.00 – 36,000.00
City Clerk/Treasurer	(1)	35,000.00 – 70,000.00
Ass't City Clerk/Treasurer	(2)	25,000.00 – 39,000.00
Administrative Secretary	(0)	24,000.00 – 35,000.00
Chief of Police	(1)	45,000.00 – 85,000.00
Police Captain	(0)	39,000.00 – 70,000.00
Police Lieutenant	(1)	39,000.00 – 72,000.00
Police Sergeant	(2)	39,000.00 – 60,000.00
Police Corporal	(1)	34,700.00 – 55,000.00
Police Officer	(10)	31,000.00 – 53,000
Police Recruit	(0)	30,000.00 – 33,500.00
Part-time Patrol Officer	(2)	15.00 – 17.00 per hour
Police Clerk	(1)	8.00 – 19.00 per hour
Superintendent, Public Works	(1)	35,000.00 – 60,000.00
Crew Leader	(1)	25,000.00 – 45,000.00
Laborer	(3)	10.00 – 19.00 per hour
Laborer (23 hrs/week)	(0)	7.00 – 12.00 per hour
Seasonal Laborer (4/1-10/31)	(2)	7.00 – 13.00 per hour
City Codes Director	(1)	22,000.00 – 50,000.00
City Inspector	(0)	
Blight Inspector (20 hrs/week)	(0)	14.90 – 18.00 per hour
Janitor (10 hrs/week)	(0)	7.00 – 11.00 per hour
Recreation Director	(0)	
Economic Development Director	(1)	30,000.00 – 50,000

Position	Type	No. Authorized	Pay Range minimum	Pay Range Maximum
City Administrative Officer	Salary	1	\$ 90,000.00	\$ 120,000.00
Assistant City Administrator	Salary	1	\$ 65,000.00	\$ 95,000.00
City Clerk	Salary	1	\$ 50,000.00	\$ 70,000.00
Assistant City Clerk	Hourly	1	\$ 17.00	\$ 27.00
Administrative Secretary- Part time (Hourly)	Hourly	1	\$ 12.00	\$ 17.00
Chief of Police	Salary	1	\$ 79,000.00	\$ 95,000.00
Police Captain	Hourly	0	\$ 33.00	\$ 37.00
Police Lieutenant	Hourly	1	\$ 32.00	\$ 36.00
Police Sergeant	Hourly	1	\$ 27.00	\$ 32.00
Police Corporal	Hourly	0	\$ 25.00	\$ 27.00
Police Officer	Hourly	7	\$ 20.00	\$ 29.00
Police Recruit	Hourly	1	\$ 18.00	\$ 21.00
School Resource Officer	Hourly	1	\$ 26.00	\$ 34.00
Police Clerk (Hourly)	Hourly	1	\$ 15.00	\$ 25.00
Public Works Superintendent	Hourly	1	\$ 26.00	\$ 37.00
Crew Leader	Hourly	1	\$ 19.00	\$ 28.00
Laborer	Hourly	4	\$ 17.00	\$ 26.50
Laborer (23 hrs/week)	Hourly	0	\$ 12.00	\$ 17.00
Seasonal Laborer (4/1-10/31)	Hourly	0	\$ 10.00	\$ 15.00
Code Enforcement Director	Salary	1	\$ 45,000.00	\$ 65,000.00
License Inspector (Hourly)	Hourly	1	\$ 15.00	\$ 20.00

SECTION TWO: Unless otherwise stated, the compensation stated in Section One shall be a yearly amount based upon the normal number of hours required for each position under the Job Classification System and does not include overtime pay as authorized under the Employee Personnel Policy.

SECTION THREE: City Council may, by resolution, authorize the payment of a yearend bonus to any or all employees in an amount not to exceed One Hundred Dollars (\$100.00)

SECTION FOUR: Any and all ordinances including or portions thereof in conflict herewith are hereby repealed.

SECTION FIVE: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: July 19, 2022

Second Reading:

MAYOR BEN BAKER

ATTEST:

DONNA LEGER
CITY CLERK/TREASURER