

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2022#26**

**AN ORDINANCE AMENDING SECTION 150.82 OF THE  
DAYTON CODE OF ORDINANCES TO CORRECT THE  
DEFINITION OF “BUSINESS LICENSE TAXES.”**

**WHEREAS**, Dayton City Council adopted a Rental License and Safety Inspection Program on Sept. 6, 2022;

**WHEREAS**, the definition of “Business License Taxes” in the definitions section of this ordinance was inadvertently truncated when the ordinance was passed;

**WHEREAS**, the Dayton City Council wishes to correct that mistake by adopting this amendment; and

**NOW, THEREFORE**, IT IS HEREBY ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:

Chapter 150 of the City of Dayton Code of Ordinances is hereby amended as follows, with the words in red being added or deleted to this section of the ordinance as shown below:

**ARTICLE XV: LAND USES  
CHAPTER 150: BUILDING REGULATIONS  
SECTION 150.82 DEFINITIONS**

**§ 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 LICENSE TAXES.” Business license taxes required by §110.02 and §110.03 of the City Code of Ordinances.

“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 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.

"RENTAL OCCUPATIONAL LICENSE" or "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.

First Reading: November 1, 2022

Second Reading: December 6, 2022

CITY OF DAYTON, KENTUCKY

By: \_\_\_\_\_

Mayor Ben Baker

ATTEST:

  
Tiffany Myers, City Clerk