

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2023#12**

**AN ORDINANCE AMENDING SECTIONS 72.27 AND 72.99  
OF CHAPTER 72, PARKING REGULATIONS, OF THE  
DAYTON CODE OF ORDINANCES.**

**NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY,  
KENTUCKY, HEREBY ORDAINS AS FOLLOWS:**

Sections § 72.27 and § 72.99 of Chapter 72, Parking Regulations, of the City of Dayton Code of Ordinances (“Code”) are hereby amended and replaced in their entirety as follows:

**§ 72.27 ISSUANCE OF PARKING TICKETS; IMMOBILIZATION AND  
IMPOUNDMENT; PAYMENT OF FINE.**

(A) The Chief of Police is authorized and directed to supply officers with parking tickets for the purpose of giving notice to persons violating any provision of this title or other laws or ordinances affecting the use of streets in the City of Dayton, Kentucky (“City”). The notice may be given by delivering such ticket to the violator or by affixing it to the vehicle that is parked in violation of this ordinance or other laws. The parking ticket shall direct the offender when and where to appear to present the ticket for payment or how to appeal the citation.

(B) In the event the offender desires to contest the parking ticket, the procedure as outlined by KRS 82.620 et seq. shall be followed.

(C) The City may immobilize or impound a motor vehicle parked, stopped, or standing upon a street or public way within the City if the vehicle violates an ordinance or statute prohibiting parking, stopping, or standing in the location, manner, or at the time the vehicle is cited or for any other lawful reason.

(D) No vehicle shall be parked on any public way within the City if the vehicle has accumulated three unpaid parking citations that are not under appeal and as to which notice has been issued pursuant to KRS 82.615(2) of the Code. For vehicles with three or more unpaid parking citations, the City may temporarily immobilize a vehicle by means of a wheel clamp, boot, or similar device or impound the vehicle.

(E) The City, in addition to fines levied for parking or traffic offenses, may also impose reasonable towing, handling, and storage charges upon an impounded or immobilized vehicle.

(F) The City may condition the release of an impounded or immobilized vehicle upon the payment of any outstanding unpaid citations that have become final, including additional charges imposed for failure to pay the citations in a timely fashion, and any towing, handling, and storage charges imposed on the vehicle unless the owner or other person entitled to possession challenges the validity of the immobilization or impoundment pursuant to §72.34 of this Code.

(G) A vehicle may be released to the owner or other person entitled to possession only upon proof of ownership or right to possession. The City may require reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

(H) Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him or her into custody for traffic violations where the penalty for its violation may result in incarceration upon conviction by the District Court.

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**§ 72.99 PENALTY**

The owner of any motor vehicle, trailer, motorcycle, golf cart, or other mobile unit who violates any provision of Chapter 72 shall be subject to a civil offense. A civil fine of forty dollars (\$40) shall be imposed for each violation and shall be made payable to the Dayton City Clerk within seven (7) days after the issuance of a parking citation. If this fine is not paid or appealed within seven (7) days after the citation issuance, the fine amount will double. If the fine is not paid within thirty (30) day after its issuance, the fine amount will triple, plus accrue 8 percent annual interest for each day it remains unpaid after 30 days.

First Reading: Aug. 1, 2023

Second Reading:

CITY OF DAYTON, KENTUCKY

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

Mayor Ben Baker

ATTEST:

\_\_\_\_\_  
Tristan Klein, City Clerk

**CITY OF DAYTON, KENTUCKY**  
**ORDINANCE NO. 2023#13**

**AN ORDINANCE AMENDING SECTIONS 150.80, 150.82,  
150.85, AND 150.89 OF THE CITY'S RESIDENTIAL  
RENTAL LICENSE AND SAFETY INSPECTION  
PROGRAM.**

WHEREAS, the City of Dayton adopted a Residential Rental License and Safety Inspection Ordinance; and

WHEREAS, the City wishes to clarify certain provisions within this ordinance.

**NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY,  
KENTUCKY, HEREBY ORDAINS AS FOLLOWS:**

Sections 150.80, 150.82, 150.85, and 150.89 of the Residential Rental License and Safety Inspection Ordinance are hereby amended, with words being deleted being ~~lined through~~ and words being added underlined 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 ~~a any residential rental property~~ dwelling unit in the city -- or allow third parties, including family members, to occupy a residential dwelling unit free of charge or in exchange for the payment of utilities or the provision of other goods or services, if the owner of the building does not live in this dwelling unit -- without first 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."

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**§ 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 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 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.

“LEASE.” A contract that conveys the use and occupancy of a dwelling unit to persons for a specific term and specific rent or when a property owner, who does not live the dwelling unit in question allows a person or persons, including family members, to reside in a dwelling unit free of charge or in exchange for the payment of utilities or the provision of other goods or services.

“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 dwelling units, which the owner ~~and/or operator either actually rents or leases~~ or ~~or~~ intends to rent or lease to the public for residential purposes or the property owner of the structure, who does not reside in the dwelling in question, allows a person or persons, including family members, to occupy the dwelling unit free of charge and/or in exchange for the payment of utilities or the provision of other goods or services, 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.

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#### § 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~~ court of appropriate jurisdiction 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.

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**§ 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. Pursuant to KRS 65.8834, the City may elect to include the amount of any unpaid lien that has been recorded pursuant to KRS 65.8835 on any City property tax bill for the property.

(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:

\_\_\_\_\_  
Tristian Klein, City Clerk

First Reading: Aug. 1, 2023

Second Reading:



CITY OF DAYTON, KENTUCKY ORDINANCE 2023# 14

AN ORDINANCE AMENDING SECTION 37.15 AND SECTION 99.99 OF THE CITY OF DAYTON CODE OF ORDINANCES TO INCORPORATE CHANGES IN STATE LAW REGARDING THE COLLECTION CODE-ENFORCEMENT LIENS .

WHEREAS, the 2023 Kentucky General Assembly passed legislation modifying the way cities can collect code-enforcement fines; and

WHEREAS, the City wishes to incorporate this new law into the penalty provisions of its code-enforcement ordinances.

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:

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

Sections 38.15 and 99.99 of the City of Dayton Code of Ordinances are hereby amended, with words being added underlined as follows:

**§ 38.15 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 \$100 per day, per violation, but not more than \$500 per day per violation, or the cost to the City of Dayton to abate the violation, or both. Each date that a violation of this ordinance continues after due notice has been served in accordance with the terms of City of Dayton Code of Ordinances (“the Code”) shall be deemed a separate offense, up to a maximum of \$10,000 per citation.

(B) As an additional alternative remedy to the above penalty, any violator who violates any provision of the city 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, and who has been previously issued two or more citations for Code violations related to the same property within a 12-month period may be assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.

(C) 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. Pursuant to KRS 65.8834, the City may elect to include the amount of any unpaid lien that has been recorded pursuant to KRS 65.8835 on any City property tax bill for the property.



**§ 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 \$100 per day, per violation, but not more than \$500 per day per violation, or the cost to the City of Dayton to abate the violation, or both. Each date that a violation of this ordinance continues after due notice has been served in accordance with the terms of City of Dayton Code of Ordinances (“the Code”) shall be deemed a separate offense, up to a maximum of \$10,000 per citation.

(B) As an additional alternative remedy to the above penalty, any violator who violates any provision of the city 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, and who has been previously issued two or more citations for Code violations related to the same property within a 12-month period may be assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.

(C) 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. Pursuant to KRS 65.8834, the City may elect to include the amount of any unpaid lien that has been recorded pursuant to KRS 65.8835 on any City property tax bill for the property.

First Reading: Aug. 1, 2023

Second Reading:

CITY OF DAYTON, KENTUCKY

By: \_\_\_\_\_  
Mayor Ben Baker

ATTEST:

\_\_\_\_\_  
Tristian Klein, City Clerk

CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2023#15

AN ORDINANCE AMENDING SECTION 111.12 OF THE  
DAYTON CODE OF ORDINANCES REGARDING THE  
TIMES WHEN RETAIL SALES OF ALCOHOLIC  
BEVERAGES ARE PROHIBITED.

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY,  
KENTUCKY, HEREBY ORDAINS AS FOLLOWS:

Section §111.12 of Chapter 111, Alcoholic Beverages, of the City of Dayton Code of Ordinances is hereby amended, with words being deleted being ~~lined through~~ and words being added underlined, as follows:

**§ 111.12 TIMES WHEN RETAIL SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.**

No person, with or without an alcoholic beverage license, shall by act or omission cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the City of Dayton during the period of time:

(A) On any Sunday after 12:00 a.m. and before ~~11~~12:00 a.m., only if the seller of the alcoholic beverages possesses in possession of a special Sunday retail drink license; or

(B) On any other day after 12:00 a.m. and before 6:00 a.m., unless the seller of the alcoholic beverages possesses in possession of an extended hours supplemental license, which shall allow the ~~holder of said~~ license holder to remain open until 2:00 a.m.

First Reading: Aug. 1, 2023

Second Reading:

CITY OF DAYTON, KENTUCKY

By: \_\_\_\_\_  
Mayor Ben Baker

ATTEST:

\_\_\_\_\_  
Tristian Klein, City Clerk