

**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~~ a 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:

Tristan Klein, City Clerk

First Reading: Aug. 1, 2023

Second Reading: