

**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:

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