

**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.

* * *

§ 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.”

* * *

§ 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.

* * *

§ 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.

* * *

§ 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:

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

**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 ~~446~~: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:

Tristan Klein, City Clerk

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2023#16**

**AN ORDINANCE PROVIDING FOR THE IMPOSITION,
LEVY, COLLECTION, AND APPORTIONMENT OF
TAXES FOR THE CITY OF DAYTON, CAMPBELL
COUNTY, KENTUCKY, FOR THE FISCAL YEAR JULY 1,
2023, THROUGH JUNE 30, 2024.**

WHEREAS, KRS 83 A.130 to 83A.150 and KRS 92.280 and KRS 92.330 require that the legislative body of each city levy an ad valorem tax for city purposes and that this be done by ordinance to provide for sufficient revenue to operate city government; and

WHEREAS, KRS Chapter 132 requires that this be calculated in accordance with the provisions of that chapter and KRS 134.800 and KRS 134.810 require that ad valorem taxes on motor vehicles and motorboats be collected by the City Clerk and that such taxes shall become due and delinquent as set forth in KRS 134.810 and that such taxes not paid when due shall be subject to the penalty and interest as specified therein.

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

SECTION 1. Real Property – General Tax.

An ad valorem tax rate of .476 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 2. Real Property – Park Tax.

An ad valorem tax rate of .050 cents on each \$100.00 (one hundred dollars) of assessed valuation of real property subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 3. Other Personal (Tangible) Property.

An ad valorem tax rate of 0.940 cents on each \$100.00 (one hundred dollars) of assessed valuation of personal property (other than motor vehicles and motorboats) subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 4. Motor Vehicles and Motorboats.

An ad valorem tax rate of \$.5009 cents on each \$100.00 (one hundred dollars) of assessed valuation of motor vehicles and motorboats subject to taxation under the laws of the Commonwealth of Kentucky is hereby levied for city purposes.

SECTION 5. Bank Deposits.

There shall be imposed and collected for said City, as permitted under KRS Chapter 136, on the taxable fair cash value of bank deposits within the city as assessed, corrected, altered, certified, and returned by the Revenue Cabinet or as assessed by the Mayor and Council, if for any reason said deposits have not been listed in any manner for taxation, a sum equal to twenty-five thousandths of one percent (.025%) of those deposits. The levy called for in this Section shall be imposed, levied, collected, and apportioned for payment of incidental expenses of the City. Those banks upon which the above tax is imposed may pay the sum due less 2% if paid by December 31, 2023, or the full amount by January 31, 2024. Thereafter the penalty and interest herein shall be imposed.

SECTION 6. Due Date, Payment, Discount, and Penalty.

The taxes mentioned in this Ordinance Sections 1, 2, and 3 shall be due and payable at the Office of the City Clerk by November 30, 2023, and shall become delinquent the day immediately following if not paid. Taxes paid during the first three days after they become delinquent will be assessed a 1% penalty. Any taxes not paid more than three days after they become delinquent shall be subject to a penalty of 10% and shall accrue interest at a rate of twelve percent (12%) per annum until paid. The delinquent taxpayer shall also pay all costs, attorney's fees, and other expenses incidental to any action taken by the city for collection of the delinquent tax bill.

SECTION 7. Effective Date and Use Thereof.

This Ordinance shall be effective immediately upon publication and applies to the 2023 calendar year tax assessment, and all receipts shall be used for city purposes and accounted for the 2023-2024 fiscal year and subsequent fiscal years in reference to delinquent collections.

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

First Reading: September 5, 2023

Second Reading:

Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

**CITY OF DAYTON, KENTUCKY
ORDINANCE 2023#17**

AN ORDINANCE AMENDING ARTICLE VII, §7.0, WORDS AND PHRASES, AND ARTICLE X, §10.8, R-1JJ (RESIDENTIAL ONE-JJ) ZONE (R-1JJ ZONE), OF THE CITY OF DAYTON, KENTUCKY, ZONING CODE, CODIFIED IN CHAPTER 154 OF THE DAYTON CODE OF ORDINANCES, TO ADD ATTACHED SINGLE-FAMILY RESIDENTIAL DWELLINGS AS A PERMITTED USE IN R-1JJ ZONE.

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, and Subdivision Regulations (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

WHEREAS, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

WHEREAS, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add single-family residential dwellings as a permitted use in the R-1JJ Zone; and

WHEREAS, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on June 26, 2023, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations, and after due consideration, recommends the changes within Chapter 154 of the Zoning Code; and

WHEREAS, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendment to add single-family residential dwellings as a permitted use in the R-1JJ Zone; and,

WHEREAS, the minutes of the Planning & Zoning Commission from this meeting are attached hereto as Exhibit “A”; and,

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Code, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

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

Section I

That the City of Dayton Zoning Code is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined as follows:

Article VII §7.0 Words and Phrases

DWELLING, MULTI-FAMILY: A residential building on one lot having three or more dwelling units, ~~as separate housekeeping units.~~

DWELLING, TWO-FAMILY: A residential building on one lot ~~designed, arranged, or used exclusively by two families, living independently of each other~~ having two dwelling units.

Article X §10.8 R-1JJ (RESIDENTIAL ONE-JJ) ZONE

A. PERMITTED USES: These are the uses which are permitted on property zoned R-1JJ as outlined on the official zoning map:

1. Single-family residential dwellings, attached or detached.

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

First Reading: September 5, 2023

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

EXHIBIT A

**DAYTON PLANNING AND ZONING COMMISSION
MEETING MINUTES**

July 20, 2023

Members Present:

Charles "Chuck" Peters, Chair
Kells Barrett
Sasja DeKoker
Jerry Huntley
Roy Newman
Bob Schrage
Rodney Sparks

Members Absent:

None

Staff Present:

Kirk Hunter, Principal Planner
Jay Fossett, City Administrator

Meeting was called to order at 7 p.m. and attendance was called. Mr. Peters, Mr. Barrett, Ms. DeKoker, Mr. Huntley, Mr. Newman, Mr. Schrage, and Mr. Sparks were all in attendance. A quorum was established.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Hunter presented the attached a staff report for the following case:

File Number: PZ-23-023
Applicant: CITY OF DAYTON, KY
Request: Text Amendment to Zoning Ordinance to add attached single-family residential dwellings to the list of permitted uses in the Residential-One JJ (R-1JJ) Zone

A copy of the staff report is attached to these minutes and made by reference a part of these minutes. Mr. Hunter said that the public hearing on this proposed text amendment was advertised in the Cincinnati Enquirer on June 16, 2023.

Mr. Hunter said the existing R-1JJ residential zoning classification generally favors a more suburban land-use pattern that often conflicts with the historic urban scale and form that the city takes. The city has been working toward new zoning language to encourage new in-fill development that fits the City's historic pattern. Previous successes have included the addition

of neighborhood-oriented commercial uses within the R-1JJ zone in 2017 and the new *Infill Development Standards* introduced in 2022.

Mr. Hunter told the Commission that the proposed single-family detached configuration can be scaled up or down depending on the amount of density that a community wants to see. Minimum lot sizes are used to control that density.

The fundamental difference between attached and detached structures, according to Mr. Hunter, is that the actual building envelope is situated on two or more separately deeded lots, often referred to as "duplexes," "townhouses," row houses," etc. Fundamentally, they are a type of multi-family use but each unit is deeded separately.

Mr. Hunter said the proposed text amendment would *not* be permit "two-family" or "multi-family" uses in the zone. Multi-family dwellings are, by definition, more than one unit on a single deeded parcel.

Mr. Hunter recommended that two definitions in Article VII §7.0 be amended and the word "attached" be added to the permitted uses in Article X §10.8 of the R-1JJ (Residential One-JJ) Zone, as more fully described below.

Dayton City Administrator Jay Fossett testified that a local developer had approached the city about changing the text of the R-1JJ zone so he could develop attached homes on a large lot that he owned on the north side of Seventh Avenue just east of Boone Street. Mr. Fossett also testified that the city wanted to encourage infill housing in the city and it had taken steps in the past to promote this activity and that he believed this proposed text amendment would help do that.

Mr. Jerry Huntley raised concerns about ingress and egress into the building, which Mr. Hunter addressed. Mr. Barnett asked questions regarding the allowable height of the buildings, which Mr. said was 35 feet. Mr. Peters emphasized that approval of the text amendment would apply to all properties located in the R-1JJ zone, not just the property discussed on Seventh Avenue.

Upon the motion of Mr. Barrett, which was seconded by Mr. Newman, and based on the staff report and the testimony presented at the public hearing, the Planning Commission voted unanimously, 7-0, to recommend approval of the text amendment to Article VII and X of the Dayton Zoning Ordinance as follows:

Words to be **removed** are ~~strike-through~~ and to be **added** are underlined

Article VII §7.0 Words and Phrases

DWELLING, MULTI-FAMILY: A residential building on one lot having three or more dwelling units, ~~as separate housekeeping units.~~

DWELLING, TWO-FAMILY: A residential building on one lot ~~designed, arranged, or used exclusively by two families, living independently of each other~~ having two dwelling units.

Article X §10.8 R-1JJ (RESIDENTIAL ONE-JJ) ZONE

B. PERMITTED USES: These are the uses which are permitted on property zoned R-1JJ as outlined on the official zoning map:

1. Single-family residential dwellings, [attached or](#) detached.

The meeting was adjourned at 7:30 PM.

Respectfully submitted by:

Jay Fossett, City Administrator

Charles "Chuck" Peters, Chair of the Dayton Planning and Zoning Commission

Staff Comments, Findings, and Recommendations

The Dayton Planning & Zoning Commission will hold a public hearing on July 20, 2023 at 7:00 P.M. 625 2nd Ave. Dayton, KY. for the purpose of hearing testimony for the following case:

- File Number:** PZ-23-023
- Applicant:** CITY OF DAYTON, KY
- Request:** Text Amendment to Zoning Ordinance to add attached single-family residential dwellings to the list of permitted uses in the Residential-One JJ (R-1JJ) Zone

Background

Aside from certain neighborhood-oriented commercial uses along Sixth Avenue, the only permitted residential use within the R-1JJ zone is specifically a single-family detached dwelling. The existing zoning text generally favors a more suburban land use pattern that often conflicts with the historic urban scale and form that the city takes. The city has been working toward new zoning language to encourage new development that fits the City’s historic pattern. Previous successes have included the addition of neighborhood-oriented commercial uses within the R-1JJ zone in 2017 and the new *Infill Development Standards* introduced in 2022.

The R-1JJ zoning district in Dayton is comprised of many historic neighborhoods that predate the implementation of zoning. There is a significant number of existing single-family detached dwellings in the zone, but there are also non-conforming multifamily dwellings as well. In the interest of encouraging creative housing solutions, the city has decided that the permitted residential uses in R-1JJ should be expanded.

It is important to understand the zoning language used. Currently, the residential use that is permitted by right in the R-1JJ Zone is “Single-family residential dwellings, detached”. This is the standard one house/one lot suburban pattern. The use requires minimum setback distances (open space) on all four sides of the house. See figure 1.

The single-family detached configuration can be scaled up or down depending on the amount of density that a community wants to see. Minimum lot sizes are used to control that density. For example: A

Single-Family Detached

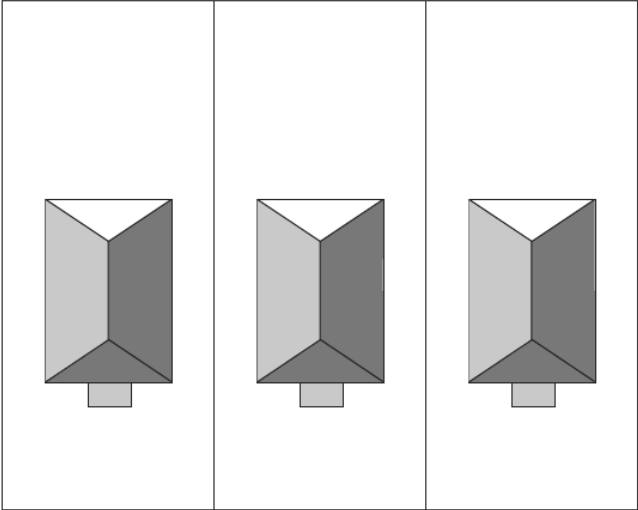


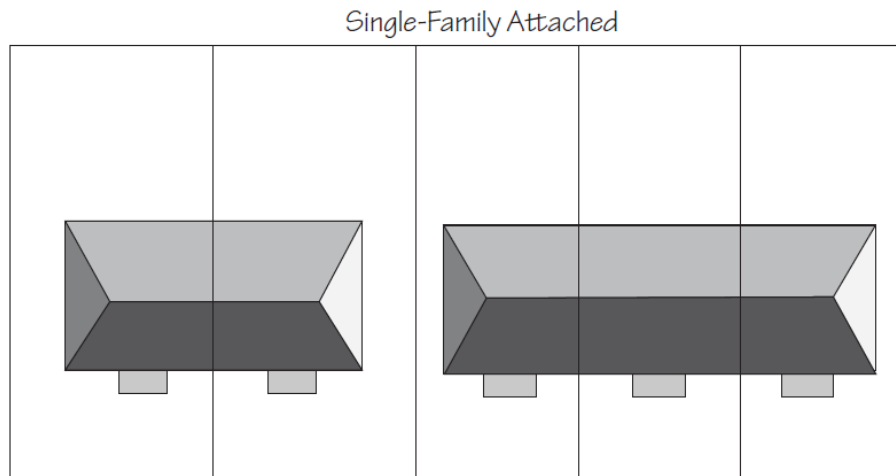
Figure 1

one-acre lot would translate as one dwelling unit per acre (1DU/A), a one-half acre lot would maintain a 2DU/A maximum density, one quarter acre minimum would maintain a 4DU/A density, and so on. . .Maximum density is controlled by

minimum lot size. There is no maximum lot size.

The minimum lot size in the R-1JJ Zone is 2500 square feet. This maintains a maximum density of approximately 17 dwelling units/acre. The majority of lots in the R-1JJ zone exceed the minimum lot size so density falls significantly short of the maximum density.

The proposed amendment would add *"Single-Family Dwellings, Attached"* to the list of permitted uses. This lends some flexibility for development. The fundamental difference between attached and detached is that the actual building envelope situates on two or more separately deeded lots. Buildings like this are often referred to as "duplexes", "townhouses", "row houses", "paired-patio", etc. Fundamentally, they are a type of multi-family use but each unit is deeded separately. By this definition, however, additional separate units cannot be located on one building lot. For example, an upstairs apartment would not be permitted. See *figure 2*.



Property line runs through the building -
Each unit is on its own deeded parcel

Figure 2

The proposed amendment would not be permitting "two-family" or "multi-family" uses in the zone. Multi-family dwellings are, by definition, more than one unit on a single deeded parcel. See *Figure 3*.

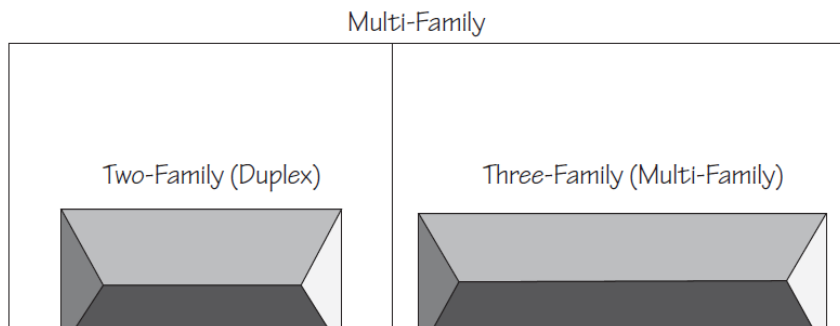


Figure 3

Considerations

Article VII, Definitions provides the following:

DWELLING, ATTACHED, SINGLE-FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two exterior walls fully exposed and not in common with the exterior walls of any other units.

DWELLING, DETACHED, SINGLE-FAMILY: A dwelling standing by itself and containing only one dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

DWELLING, MULTI-FAMILY: A residential building having three or more dwelling units, as separate housekeeping units.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two families, living independently of each other.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one person or one family.

The current uses in the R-1JJ Zone (§10.8) are as follows (*Excerpt*):

- A. PERMITTED USES: These are the uses which are permitted on property zoned R-1JJ as outlined on the official zoning map:
 - 1. Single-family residential dwellings, detached.

...

Proposed Text Amendments:

Article VII: Definitions

DWELLING, MULTI-FAMILY: A residential building on one lot having three or more dwelling units.—

DWELLING, TWO-FAMILY: A residential building on one lot having two dwelling units.

Article X: Zones

A. PERMITTED USES: These are the uses which are permitted on property zoned R-1JJ as outlined on the official zoning map:

1. Single-family residential dwellings, attached or detached.

Recommendation:

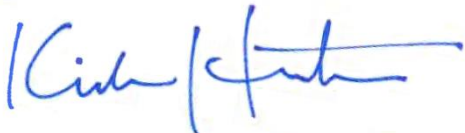
To adopt the revised text changes related to the professional offices in the CBD Zone in the City of Dayton Zoning Ordinance and to forward the recommended text revisions to the City for consideration.

Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the authority to recommend the adoption of text changes to the City.
2. Pursuant to the Dayton Zoning Ordinance Article XVII: Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure.
4. The proposed text changes are consistent Comprehensive Plan Update. The changes are consistent with the Land Use section, particularly within the goal to:
 - *"Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites"*
5. The proposed text changes are consistent with City of Dayton's Code of Ordinances Title XV: Land Usage, Chapter 155: Subdivision Regulations.

If you have any questions concerning this report, please feel free to contact me. Thank you.

Respectfully submitted,



Kirk Hunter, AICP

Principal Planner

CC: City of Dayton Planning and Zoning Commission Members
City Administrator, City Attorney, and Mayor

Attachments (1)

Appendix

Proposed Text Amendments to Dayton Zoning Ordinance

Words to be **removed** are ~~strike-through~~ and to be **added** are underlined

Article VII §7.0 Words and Phrases

DWELLING, MULTI-FAMILY: A residential building on one lot having three or more dwelling units, ~~as separate housekeeping units.~~

DWELLING, TWO-FAMILY: A residential building on one lot ~~designed, arranged, or used exclusively by two families, living independently of each other~~ having two dwelling units.

Article X §10.8 R-1JJ (RESIDENTIAL ONE-JJ) ZONE

- C. PERMITTED USES: These are the uses which are permitted on property zoned R-1JJ as outlined on the official zoning map:
1. Single-family residential dwellings, attached or detached.

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2023#18**

**AN ORDINANCE AMENDING SECTIONS 72.14 OF
CHAPTER 72, PARKING REGULATIONS, OF THE CITY
OF DAYTON CODE OF ORDINANCES.**

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

Sections § 72.04 and § 72.14 of Chapter 72, Parking Regulations, of the City of Dayton Code of Ordinances (“Code”) are hereby amended, with words being deleted being ~~lined through~~ and words being added underlined, as follows:

§ 72.04 PROHIBITED STOPPING OR PARKING.

(A) It shall be unlawful for the operator of any vehicle or other mobile unit to stop or park such vehicle except in a case of real emergency or in compliance with the provisions of this traffic code or when directed by a police officer or traffic sign or signal at any time in the following places:
* * *

(8) Within ~~45~~ 5 feet of either side of a fire hydrant.

**§ 72.14 PARKING OF VEHICLES IN VIOLATION OF TAX, REGISTRATION, OR
LICENSE LAWS PROHIBITED.**

No person shall park any motor vehicle or other mobile unit ~~in the city which is~~ in violation of any federal, state, county, city, or other governmental entity’s tax, registration, or licensing statute, ordinance, or regulation ~~at any place within the city, including failing to affix or post any sticker or similar notice on or in the vehicle in conformance with such statute, ordinance, or regulation.~~

First Reading: Sept. 5, 2023
Second Reading:

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2023#19**

**AN ORDINANCE AMENDING THE CITY OF DAYTON,
KENTUCKY'S ANNUAL BUDGET FOR THE FISCAL YEAR
RUNNING FROM JULY 1, 2022, THROUGH JUNE 30, 2023,
AND ESTIMATING REVENUES AND RESOURCES AND
APPROPRIATING FUNDS FOR THE CITY TO THE FULL
EXTENT AUTHORIZED BY KRS 82.082 AND
INTERPRETATIVE CASE LAW.**

WHEREAS, a proposed annual operating budget was prepared and approved by the City Council of the City of Dayton, Kentucky; and,

WHEREAS, the City Council previously amended the budget for Fiscal Year 2022-23 and now wishes to amend this budget a second time to reflect final budget changes for this fiscal year.

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

1. The Annual Operating Budget for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, including all sources of estimated revenues and appropriations for all City funds as set forth in Exhibit 1, which is attached and made by reference a part hereof, is hereby adopted.
2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase, or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.
3. All prior Municipal Order/Resolutions and/or or Ordinances or parts of any thereof that are in conflict with this Ordinance are hereby repealed.
4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on Sept. 5, 2023, and will be given a final reading on Sept. 19, 2023, and this Ordinance shall be in full force and effect upon signature, recordation, and publication in summary pursuant to KRS Chapter 424.

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

First Reading: Sept. 5, 2023

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

City of Dayton Budget 2023- Second Amendment

The annual budget for fiscal year beginning July 1, 2022 and ending June 30, 2023 is hereby adopted as follows:

Resources Available	General Fund	Municipal Aid Fund	Econ. Development	Park Board	Grant Park TIF	Manhattan TIF	Sargeant Park
Fund Balance Forward:	\$ 2,100,000.00	\$ 180,000.00	\$ 610,000.00	\$ 95,000.00	\$ 320,000.00	\$ 260,000.00	\$ 30,000.00
Estimated Revenue							
Taxes	\$ 1,790,000.00						
	\$ 1,826,000.00						
Licenses and Permits	\$ 1,749,150.00						
	\$ 2,213,000.00						
Fines	\$ 63,150.00						
	\$ 120,000.00						
Intergovernmental	\$ 131,304.00	\$ 118,000.00		\$ 130,000.00	\$ 62,000.00	\$ 377,200.00	
	\$ 153,000.00						
Charges for Services	\$ 409,800.00						
	\$ 430,000.00						
Miscellaneous	\$ 91,300.00			\$ 400.00			
	\$ 168,000.00						
Grant Restricted	\$ 3,335,928.60			\$ 72,000.00			
	\$ 230,000.00						
Interest	\$ 1,500.00	\$ 150.00	\$ 500.00	\$ 75.00	\$ 300.00	\$ 250.00	\$ 200.00
	\$ 17,500.00						
Total Estimated Revenue	\$ 5,157,500.00	\$ 118,150.00	\$ 500.00	\$ 202,475.00	\$ 62,300.00	\$ 377,450.00	\$ 200.00
Available Appropriations	\$ 7,257,500.00	\$ 298,150.00	\$ 610,500.00	\$ 297,475.00	\$ 382,300.00	\$ 637,450.00	\$ 30,200.00
Appropriations							
General Government	\$ 685,050.59						
Police	\$ 1,476,389.57						
	\$ 1,520,000.00						
Fire	\$ 1,173,871.79						
Public Works	\$ 455,094.56	\$ 30,000.00		\$ 77,500.00			
Code Enforcement	\$ 110,523.40		\$ 50,000.00				
Parks				\$ 50,000.00			
Economic Development			\$ 135,000.00				
Waste Collection	\$ 232,000.00						
Professional Services	\$ 67,000.00	\$ 209,000.00					
	\$ 90,000.00						
TIF Payment	\$ 165,000.00				\$ 62,000.00	\$ 280,000.00	
Miscellaneous	\$ 360,250.00						
Capital Spending	\$ 3,333,777.00			\$ 98,000.00			
	\$ 700,000.00						
Total Appropriations	\$ 5,491,790.34	\$ 239,000.00	\$ 185,000.00	\$ 225,500.00	\$ 62,000.00	\$ 280,000.00	\$ -
Est. Ending Fund Balance	\$ 1,765,709.66	\$ 59,150.00	\$ 425,500.00	\$ 71,975.00	\$ 320,300.00	\$ 357,450.00	\$ 30,200.00

**CITY OF DAYTON, KENTUCKY
ORDER-RESOLUTION NO. 2023-23R**

AN ORDER-RESOLUTION AUTHORIZING THE
MAYOR TO ENTER INTO VARIOUS AGREEMENTS
WITH ENTERPRISE FLEET MANAGEMENT FOR
THE LEASE AND MANAGEMENT OF VEHICLES
USED BY THE CITY OF DAYTON, KY. DURING
THE TERM OF THE LEASE

WHEREAS, Enterprise Fleet Management (“EFM”) made presentation to the City Council of the City of Dayton, Kentucky (“City”) on August 1, 2023, regarding an arrangement whereby EFM would lease vehicles to the City and maintain those vehicles pursuant to the terms of a lease and maintenance-management agreements (“Lease Agreement”); and

WHEREAS, the City Council believes that it is in the best interest of the City to enter into this Lease Agreement with EFM;

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON,
KENTUCKY, AS FOLLOWS:**

The City Council of the City of Dayton, Kentucky, hereby authorizes the Mayor to enter into the following documents with Enterprise Fleet Management, copies of which are attached hereto and made by reference a part hereof:

1. Master Equity Lease Agreement
2. Amendment to Master Equity Lease Agreement
3. Maintenance Management and Fleet Rental Agreement
4. Full Maintenance Agreement

SO ORDERED and approved by the City Council of the City of Dayton, Kentucky, on this 5th day of September 2023.

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDER-RESOLUTION NO. 2023-24R**

AN ORDER-RESOLUTION AUTHORIZING THE
MAYOR TO ENTER INTO A CONTRACT WITH
EATON ASPHALT IN THE AMOUNT OF \$118,833.00
FOR A STREET REPAVING PROJECT IN THE CITY
OF DAYTON, PAYABLE FROM MUNICIPAL ROAD
AID FUNDS.

WHEREAS, the City of Dayton, Kentucky (“City”) receives Municipal Road Aid funds from the Commonwealth of Kentucky for road projects within the city;

WHEREAS, the City advertised and accepted Requests for Proposals to repave certain streets within the City; and

WHEREAS, the City’s consulting engineer reviewed bids that were submitted for this repaving work and has recommended that the City award this project to Eaton Asphalt, 1075 Eaton Drive, Covington, Ky. 41017, as the best and most responsive bidder.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF DAYTON,
KENTUCKY, AS FOLLOWS:**

The Board of the City Council of the City of Dayton, Kentucky, hereby authorizes the Mayor to enter into a contract with Eaton Asphalt in the amount of \$118,833.00 for milling, base repair, repaving, mobilization and demobilization, and post-paving striping of Second Avenue from Main Street to Benham Avenue.

SO ORDERED and approved by the City Council of the City of Dayton, Kentucky, on this 5th day of September 2023.

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER