

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2023#20**

**AN ORDINANCE AMENDING SECTIONS 96.15, 96.16, 96.17,
96.18, 96.19, AND 96.99 OF TITLE IX, GENERAL
REGULATIONS OF THE CITY OF DAYTON CODE OF
ORDINANCES DEALING WITH SIDEWALK
MAINTENANCE IN THE CITY, INCLUDING
ENFORCEMENT PROVISIONS AND PENALTIES FOR
FAILURE TO MAINTAIN SIDEWALKS.**

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

Sections 96.15, 96.16, 96.17, 96.18, 96.19, and 96.99 of Title IX, General Regulations, of the City of Dayton Code of Ordinances, are hereby repealed in their entirety and replaced as follows:

SIDEWALK MAINTENANCE

§ 96.15 DUTY OF PROPERTY OWNER TO MAINTAIN ABUTTING SIDEWALKS.

(A) Every person who owns real estate in the City with a sidewalk that abuts the property has a duty to maintain these sidewalks in good condition and free from defects, at his, her or its own expense.

(B) Property owners are responsible for repairing all holes, uneven surfaces, and other defects in or on sidewalks abutting their properties by using the same or similar materials as those used when the sidewalk was originally constructed.

(C) Property owners shall keep all abutting sidewalks free from soil, grass, weeds, plants, trash, debris, and other objects that may obstruct or cover the sidewalks.

(D) If a property owner fails to maintain sidewalks abutting their property so as to create a public nuisance, the City may abate this nuisance and repair the sidewalks pursuant to KRS 65.8840.

(E) The City shall adopt a Sidewalk Maintenance Policy to provide further guidance to property owners regarding maintenance, repair, and replacement of sidewalks in the City.

§ 96.16 NOTICES AND CITATIONS, ENFORCEMENT ACTIONS, HEARINGS, AND APPEALS.

(A) Whenever an official with the City Code Enforcement Department ascertains that defects or obstructions exist on a sidewalk abutting a private property, as outlined in Section 96.15(B) and (C) above, he or she shall notify the property owner, in writing, of such condition in the form of a Notice of Violation (“Notice”) and/or Citation, and direct the property owner to repair, reconstruct, replace, or clean the sidewalk at his or her expense within the time period set forth in such Notice or Citation.

(B) All Notices and Citations, enforcement actions, hearings, and appeals under this Subchapter shall be governed by Chapter 38, Code Enforcement Board, of the Dayton Code of Ordinances (“Code”).

* * *

§ 96.99 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 pursuant to provisions of this Subchapter of the City of Dayton Code of Ordinances (“the Code”) shall be deemed a separate offense, up to a maximum of \$5,000 per citation.

(B) As an additional alternative remedy to the above-referenced penalty, any person 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 up to a maximum of \$10,000 per citation.

(C) The City of Dayton shall possess a lien on this property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing this Subchapter and/or placing of a lien on the parcel of real property subject to the provisions of this Subchapter. 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.

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

First Reading: Nov. ____, 2023
Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 26-R**

AN ORDER/RESOLUTION ACCEPTING THE REAPPOINTMENT OF MARCUS CAREY, DARRYL CUMMINS, ROBERT SANDERS, TOM QUIRK, BRYCE C. RHOADES, AND JACK WESTWOOD AND THE APPOINTMENT OF JAMES DADY AS MEMBERS OF THE NORTHERN KENTUCKY REGIONAL ETHICS AUTHORITY ENFORCEMENT COMMITTEE FOR A TWO-YEAR TERM, COMMENCING FEBRUARY 1, 2023, AND EXPIRING ON JANUARY 31, 2025.

* * *

WHEREAS, Ordinance No. 2023-#11 (as amended) established a code of ethical conduct applicable to the officers and employees of the City of Dayton, Kentucky, and its agencies; and

WHEREAS, the City of Dayton, Kentucky, entered into an interlocal agreement to join the Northern Kentucky Regional Ethics Authority (NKREA) to implement said CODE OF ETHICS; and

WHEREAS, Article III(A) of the Interlocal gives the NKREA Authority Board the authorization to select members of the NKREA Enforcement Committee subject to the approval of each member jurisdiction's relevant legislative body;

WHEREAS, the Authority Board renominated Marcus Carey, Darryl Cummins, Robert Sanders, Tom Quirk, Jack Westwood, and Bryce Rhoades to each serve a two-year term on the NKREA Enforcement Committee; and

WHEREAS, NKREA Enforcement Committee Member James Dady was appointed by the NKREA Authority Board to fill the committee's vacancy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, CAMPBELL COUNTY, KENTUCKY:

Section 1

That the appointment and reappointment of Marcus Carey, Darryl Cummins, Robert Sanders, Tom Quirk, Bryce Rhoades, Jack Westwood, and James Dady as members of the NKREA Enforcement Committee for a two-year term commencing on February 1, 2023, and expiring on January 31, 2025, is hereby approved.

Section 2

That this order/resolution shall take effect and be in full force when passed and recorded according to law.

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

Adoption Date: _____

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 27-R**

AN ORDER/RESOLUTION DESIGNATING A PORTION OF GREENDEVIL LANE FROM WHAT USED TO BE ITS INTERSECTION WITH 4TH AVENUE TO ITS EXISTING INTERSECTION WITH 5TH AVENUE AS A PEDESTRIAN-ONLY THOROUGHFARE AFTER DAYTON INDEPENDENT SCHOOLS COMPLETES CONSTRUCTION OF ITS NEW ATHLETIC FACILITY AT THIS LOCATION.

* * *

WHEREAS, the Dayton Independent Schools (“the school district”) owns property bounded by Third Avenue, Clay Street, Fifth Avenue, and Greendevil Lane, a portion of which will be used for construction of a new athletic facility in the City (“project site”); and

WHEREAS, the school district is currently is in the process of preparing the project site for construction and will soon advertise for construction bids to build the proposed athletic facility at the project site; and

WHEREAS, in conjunction with this upcoming construction, the school district has requested that City Council take action to make a portion of Greendevil Lane within the project site a pedestrian-only thoroughfare.

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY, CAMPBELL COUNTY, KENTUCKY:

Section 1

That the portion of Greendevil Lane from what used to be its intersection with 4th Avenue to its existing intersection with 5th Avenue (“street section”) be designated a pedestrian-only thoroughfare after construction of the Dayton Independent Schools’ new athletic facility at this location is complete. This street section will not be accessible to vehicular traffic after this designation is put in place. However, this street section is not being vacated by the City, and it will remain open to the public as a pedestrian-only pathway that the school district will construct as part of its construction of the proposed athletic facility at the project site.

Section 2

That this order/resolution shall take effect and be in full force when passed and recorded according to law.

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

Adoption Date: _____

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 28-R**

**ORDER/RESOLUTION OF THE DAYTON CITY COUNCIL ADOPTING
A SIDEWALK MAINTENANCE POLICY IN CONJUNCTION WITH
ADOPTION OF A NEW SIDEWALK MAINTENANCE ORDINANCE.**

WHEREAS, the City of Dayton, Kentucky (“City”) City Council is updating and amending its sidewalk maintenance ordinance; and

WHEREAS, the City Council wishes to adopt a Dayton Sidewalk Maintenance Policy to provide guidance to property owners when maintaining, repairing, and replacing sidewalks in the City, which will ensure safe walking paths for pedestrians within the City; and

NOW, THEREFORE, BE IT ORDERED/RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTON, KENTUCKY THAT:

City Council hereby adopts a Dayton Sidewalk Maintenance Policy, a copy of which is attached hereto as Exhibit “A” and incorporated by reference herein.

This Order/Resolution shall become effective immediately upon approval by the City Council of the City of Dayton, Kentucky.

AND IT IS SO ORDERED AND RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this ____ day of November 2023.

This Order/Resolution shall be maintained and indexed in the Official Resolution and Order Book by the City Clerk/Treasurer.

MAYOR BENJAMIN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

EXHIBIT "A"

CITY OF DAYTON SIDEWALK MAINTENANCE POLICY

Policy Adoption Date: Nov. ____, 2023

I. Introduction.

The purpose of this Dayton Sidewalk Maintenance Policy ("Policy") is to implement a plan to address and maintain the aging sidewalks in the City of Dayton ("City") to ensure safe walking paths for pedestrians within the City.

This Policy is enacted because the City lacks the physical and financial ability to repair and replace the many miles of sidewalks located in the City. The City will continue to inspect sidewalks for defects, enforce of City ordinances relating to sidewalks, and prioritize sidewalk maintenance repairs under this Policy.

The implementation of this Policy is a discretionary action by the City and serves as a guideline to assist the City and its property owners in the maintenance and management of these sidewalks and provide a process for the maintenance and management of these sidewalks within the financial constraints of the City.

II. Inventory.

The City intends to survey the condition of all of its sidewalks to identify and document those sidewalks that are in the greatest need repair the City. The City will use these survey results to implement a plan to address sidewalk maintenance issues in the City.

III. Budget.

Depending on the City's financial ability to do so, the City may allocate funding in future to address sidewalk repairs in the City. The City also will undertake efforts to apply for grants to pay for the sidewalk-safety projects.

IV. Regulations.

The City shall enforce its Sidewalk and Curb Maintenance Ordinance, Section 97.15, *et. seq.* of the Dayton Code of Ordinances. Property owners shall follow this when maintaining, repairing, and replacing sidewalks.

The City requires that a property owner obtain a permit to construct a new sidewalk or driveway in the city. Sidewalks shall be concrete, at least 4 inches thick, professionally installed, and comply with the Kentucky Building Code.

Property owners are responsible for removing ice or snow from sidewalks abutting their property or must do so in a safe manner. The City is not responsible for removal snow and ice from sidewalks in the City.

When budgetary funds are available, the City may institute a grant reimbursement program to assist property owners in repairing their sidewalks. The terms of this program will set forth by legislative or executive action, whenever such a program is funded.

Violation of the City's sidewalk maintenance and repair ordinance are subject to a citation by the Code Enforcement Department, and the Code Enforcement Board shall have authority to adjudicate these violations.

**CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 29-R**

**AN ORDER/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DAYTON, KENTUCKY, APPOINTING KILEE SCHRODER TO THE DAYTON
HOUSING AUTHORITY.**

WHEREAS, the City of Dayton, Kentucky, has established a Housing Authority pursuant to KRS Chapter 80; and

WHEREAS, under KRS Section 80.040 and Section 34.16 of the Dayton Code of City Ordinances, the Mayor of the City appoints members of the Housing Authority, subject to the approval of City Council; and

WHEREAS, the City wishes to appoint a new member to the Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF DAYTON, KENTUCKY THAT:

The City appoints Kilee Schroder the Dayton Housing Authority to terms that will expire on December 31, 2026.

This Resolution shall become effective immediately upon approval by the City Council of the City of Dayton, Kentucky.

AND IT IS SO RESOLVED. Passed and approved by the City Council of the City of Dayton, Kentucky, on this 21st day of November 2022.

This Resolution shall be maintained and indexed in the Official Resolution and Order Book by the City Clerk/Treasurer.

MAYOR BENJAMIN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER