

**CITY OF DAYTON, KENTUCKY
ORDINANCE 2024#3**

AN ORDINANCE AMENDING THREE SECTIONS OF CITY OF DAYTON, KENTUCKY, ZONING CODE -- SECTION 18.10 OF CHAPTER 154, ZONING; CHAPTER 155, SUBDIVISION REGULATIONS; AND CHAPTER 156, HISTORIC PRESERVATION -- TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THOSE SECTIONS TO BE CONSISTENT WITH THE CIVIL PENALTIES FOUND IN SECTION 38.15 OF THE OF THE DAYTON CODE OF ORDINANCES.

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (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 provisions for civil penalties to three sections of the Zoning Regulations; 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 February 15, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; 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 amendments to the Zoning Regulations as set forth below; and

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, 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:

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

Chapter 154, Zoning, Section 18.10, is hereby amended as follows:

SECTION 18.10 CIVIL PENALTIES

~~Any person or entity who violates any of the provisions of this appendix for which no other penalty has been specifically provided shall upon conviction be fined not less than ten~~

~~dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.~~

(A) Violations of this Chapter of the City of Dayton, Ky., Code of Ordinances (“Code”) are civil offenses, which shall be enforced through the Code Enforcement Board pursuant to the provisions of Chapter 38 of the Code.

(B) Any person, firm, corporation, or titled owner who violates a provision in this Chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation, but not more than one hundred dollars (\$100.00) per day per violation for the first thirty (30) days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than one hundred dollars (\$100.00) per day per violation, but not more than two hundred fifty dollars (\$250.00) per day per violation, until the violation(s) are corrected. The city may also recover any costs it incurs in abating the violation(s).

(C) Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of five thousand dollars (\$5,000.00) per citation. A Code Enforcement Officer may suspend daily fines if a property owner submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer may revoke the suspension if, in his or her opinion, remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.

(D) If the property owner timely appeals violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion.

(E) The City of Dayton shall possess a lien on a property for all fines, penalties, charges, attorney’s fees, and other reasonable costs associated with enforcing the provisions of this Chapter and may place a lien on this parcel of real property with the County Clerk pursuant to Kentucky law. 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 the City’s property tax bill for the property.

Chapter 155, Subdivision Regulations, Section 8.4 is hereby amended as follows:

SECTION 8.4 CIVIL PENALTIES.

~~Any person, owner, or agent who violates these regulations shall upon conviction be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.~~

Chapter 156, Historic Regulations, is hereby amended by adding new sections as follows

SECTION 11. HISTORIC PRESERVATION GUIDELINES

The Dayton, Kentucky, Historic Preservation Guidelines approved by the Dayton City Council, and these guidelines and any amendments thereto, are hereby adopted and incorporated by reference herein. These Guidelines are an Appendix to this Chapter.

SECTION 12. CIVIL PENALTIES

Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.

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

First Reading: _____

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

