

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#4**

**AN ORDINANCE AMENDING 150.85 OF THE CITY'S
RESIDENTIAL RENTAL LICENSE AND SAFETY
INSPECTION PROGRAM TO PROVIDE FOR PRE-
INSPECTION RIGHTS REVIEW.**

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:

Section 150.85 of the Residential Rental License and Safety Inspection Ordinance is hereby amended, with words being deleted being ~~lined through~~ and words being added underlined as follows:

§ 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 a court of appropriate jurisdiction to secure issuance of the warrant. If an owner refuses to allow an inspection, the~~ inspector shall provide to the owner a notice of pre-inspection rights, which shall include information that the owner is entitled to a pre-compliance review of the inspection by the Dayton Code Enforcement Board ("Board"), which shall determine the purpose, scope, and propriety of the inspection.

(1) The notice of pre-inspection rights shall be:

- (a) Posted at the premises, building, or structure; and
(b) Sent via regular U.S. Mail to the owner's address of record with the Campbell County Property Valuation Administrator's office.
- (2) Pre-compliance review procedure:
- (a) Within 14 days after the date of posting and/or mailing the notice of pre-inspection rights, whichever is later, the owner must provide to the Board, in writing and submitted to the Dayton City Clerk, a request asking the Board to review the purpose, scope, and propriety of the inspection, along with all reasons why the inspection should not take place, and the request shall include the owner's correct and complete mailing address if that address is different than the address of record;
- (b) Where the owner does not provide a written review request to the Board within the fourteen-day period, the owner shall be deemed to have waived the right to pre-compliance review of the inspection;
- (c) When a Board receives a review request from an owner for pre-compliance review of an inspection, the Code Enforcement Department shall provide the Board with a written explanation of its purpose, scope, propriety, and any other reasons for conducting the inspection;
- (d) The Board shall review all documents submitted, and within fourteen days after receiving this documentation, shall issue a written determination as to whether the inspection may proceed at a building, premises, or structure, the approved scope of the inspection, the areas to be inspected, and any restrictions on the time when the inspection may be conducted;
- (e) The City shall provide the Board's written determination to the Code Enforcement Department and mail it to the owner by regular U.S. Mail to the owner's address of record;
- (f) The owner and the Code Enforcement Department shall comply with the written determination of the Board; and
- (g) In the event a review request is not timely submitted, or in the event the Board allows an inspection to proceed and the owner does not permit the inspection to proceed, the Code Enforcement Department may issue a citation for noncompliance and the Department, at its discretion, may seek to obtain an administrative warrant for entry to the property for purposes of inspection. The City shall obtain any order of a judge or other officer authorized by statute to issue administrative warrants for this inspection pursuant to Section 10.50 of the Dayton Code of Ordinances.
- (E) The procedures contained in Subsection (D) of this section do not apply in any situation that requires immediate inspection of a building, premises, or structure if its condition reasonably constitutes an imminent threat to the public interest, safety, welfare, or otherwise involves exigent circumstances.
- ~~(F)~~ No owner or landlord shall retaliate against a tenant for lodging a complaint about his or her rental dwelling unit with the City.

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

First Reading:

Second Reading: