

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2024#5**

**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96.17, 96.18, 96.19, and 96.99 of Title IX, General Regulations, of the City of Dayton Code of Ordinances, are hereby repealed in their entirety and replaced as follows: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 AND CURBS.**

(A) Every person who owns real estate in the City of Dayton (“City”) with a public sidewalk that abuts the property (“sidewalks”) 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 by using the same or similar materials as those used when the sidewalk was originally constructed.

(C) Property owners shall keep the sidewalks and adjacent street curbs (“curbs”) free from soil, grass, weeds, plants, trash, debris, and other objects that may obstruct or cover the sidewalks and/or curbs. Property owners shall also cut or maintain the “tree lawn” or “road verge” locate between the sidewalks and curbs and keep these areas free from weeds, trash, and debris.

(D) If a property owner fails to maintain sidewalks abutting their property or the curbs adjacent to the sidewalks so as to create a public nuisance, the City may abate this nuisance, including replacing or repairing the sidewalks, pursuant to KRS 65.8840 and/or City ordinances, and may place a lien on the property to recover the costs associated with such work.

(E) The City shall adopt a Sidewalk Maintenance Policy (“Policy”) to provide further guidance to property owners regarding the maintenance, repair, and replacement of sidewalks in the City and maintenance of curbs and this policy is incorporated by reference into this Ordinance, including future amendments to this Policy.

**§ 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 or that the conditions of the sidewalks or curbs constitute a public nuisance, as outlined in Section 96.15 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 shall direct the property owner to address these defects,

obstructions, or other nuisance issues 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

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**§ 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: April 16, 2024

Second Reading: May 21, 2024

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MAYOR BEN BAKER

ATTEST:

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TRISTAN KLEIN  
CITY CLERK/TREASURER