

**CITY OF DAYTON, KENTUCKY
CODE ENFORCEMENT DEPARTMENT
514 SIXTH AVENUE DAYTON, KENTUCKY 41074
PROPERTY ADDRESS: 819 ERVIN TERR, Dayton, Ky 41074**

NOTICE OF FINAL ORDER

The City of Dayton, by and through the Code Enforcement Department, does hereby give notice of the following:

A citation was issued regarding the above-referenced property on 05/17/2024. A copy of the citation is attached hereto and incorporated by reference as if fully set forth herein. This citation identified as #4723 which is a violation of the City of Dayton Code of Ordinances.

More than seven days have elapsed since service of the attached citation, and the fines contained within the citation have not been paid, and the property owner has not made a request for a hearing before the City of Dayton Code Enforcement Board to contest the citation. Therefore, pursuant to Dayton Code of Ordinances § 38.09, the person named in the citation is deemed to have waived the right to a hearing, and the determination that a violation was committed shall be considered final. A civil fine of \$5,000.00 will be imposed unless this Final Order is appealed, or the fine is paid by a third-party lienholder pursuant to Dayton Ordinance § 38.13. Failure to pay this fine may result in a lien being placed against the property.

Please contact the City of Dayton, Code Enforcement at (859) 491-1600 for information.

Sincerely,

CASSIE PATTERSON
DIRECTOR OF CODE ENFORCEMENT

NOTICE OF RIGHT TO APPEAL

You have failed to either pay the applicable civil fine within the time period specified in your citation and/or have failed to request a hearing, in writing, within seven days after receipt of a citation from the Dayton Code Enforcement Department. Therefore, by law, you have waived your right to contest this citation and the Code Enforcement Board's determination that the above-referenced property violates applicable city ordinances shall be final and not subject to an appeal to the Campbell District Court. You may have the right to appeal this citation to the Campbell County Circuit Court. Any such appeal must be made within thirty (30) days from the date from which the citation became a final order. You may want to seek the help of any attorney to ensure that all legal requirements for an appeal are satisfied.

LIENHOLDER NOTIFICATION SYSTEM

Pursuant to KRS § 65.8836 and §38.13 of the Dayton Code of Ordinances, a copy of this document will be shared to the City's electronic lienholder notification database at www.daytonky.com/business/lien-notification/. Once the City provides notice in accordance with §38.13, a lienholder may have the ability to avoid having a lien placed on the property by paying the civil fine on behalf of the property holder or abating the nuisance within 45 days after this document is made available on the City's database.

CERTIFICATE OF SERVICE

Pursuant to K.R.S. §65.8828(5), I hereby certify that a copy of the foregoing **Notice of Final Order** was sent via regular first-class mail to the following recipients, on July 1, 2024.

CONSTANCE & EDWARD SCHUMANN
5600 CUTTERS TRACE
MELBOURNE, KY 41059

CASSIE PATTERSON
DIRECTOR OF CODE ENFORCEMENT
859-491-1600. ext. 231



Code Enforcement Uniform Citation Rental Property Inspection License

05/17/2024

SCHUMANN EDWARD & CONSTANCE
5600 CUTTERS TRACE
MELBOURNE, KY 41059

Citation No. 4723
Property Address: 819 Ervin Terrace
Date and Time of Issuance: 05/17/2024 @ 12:00pm

Property Owner: SCHUMANN EDWARD & CONSTANCE
Owner's Address: 5600 CUTTERS TRACE, MELBOURNE, KY 41059

The undersigned Code Enforcement Officer for the City of Dayton, Ky., ("City") certifies that she has just and reasonable cause to believe, and does believe, that on the above-referenced date and time, the Property owner committed the following offense(s) or allowed the following conditions(s) to exist at 819 Ervin Terrace, Dayton, Ky. ("Property").

Code Section: **Section 158.83 of the City in Dayton Code of Ordinances ("Code"), titled "Responsibilities of Owners."** Section (A) of this Code Section states:

"(A) Every owner and/or operator of a rental dwelling in the City must register every rental dwelling unit it owns or operates in the City every year and pay an annual rental license fee for each rental dwelling unit. The owner and/or operator must *also* acquire a rental occupational license to do business in the City and pay annual business license taxes pursuant to subchapter 110 of the Dayton Code of Ordinances."

Code Section: **Section 158.84 of the City in Dayton Code of Ordinances ("Code"), titled "Rental Inspection Licenses; Fees."** Section (A), (B), and (C) of this Code Section states:

"(A) No person or entity shall rent or offer for rent a dwelling unit in the City unless the building is covered by a current, unrevoked Dayton rental occupational license, as required by subchapter 110 of the Dayton Code of Ordinances, *and* a Dayton rental inspection license, as required by this subchapter.

"(B) The City of Dayton hereby creates an annual rental inspection license, which shall expire on April 15 of each year. No license shall be issued to any individual or entity if that person or entity owes any taxes, fines, fees, or other obligations to the City.

"(C) The annual rental license fee shall be forty dollars (\$40.00) for each rental unit. All fees received hereunder shall be used to support and pay for the City's Rental License and Safety Inspection Program, which is operated through its Code Enforcement Department.

"(E) No rental inspection license shall be issued or renewed unless the owner or its designee has applied to the City on the application form provided by the City..."

Corrective Action Required: Property Owner must register its rental property and/or obtain a rental occupational license under Section 158.83(A) of the Code by completing the application form set forth in Section 158.84(E) and paying a \$40 rental license fee to the City for each rental unit located at the Property under Section 158.84(C).