

**CITY OF DAYTON, KENTUCKY
CODE ENFORCEMENT DEPARTMENT
514 SIXTH AVENUE DAYTON, KENTUCKY 41074
PROPERTY ADDRESS: 1017 4th, 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 05/31/2024. A copy of the citation is attached hereto and incorporated by reference as if fully set forth herein. This citation identified as #4752 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 11, 2024.

Lester Beckner
1017 4th Avenue
Dayton, Ky 41074



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



Code Enforcement Uniform Citation Rental Property Inspection License

05/31/2024

BECKNER LESTER
1107 5TH AVE
DAYTON, KY 41074

Citation No. 4752
Property Address: 1017 4th Avenue
Date and Time of Issuance: 05/31/2024 @ 1:00pm

Property Owner: BECKNER LESTER
Owner's Address: 1107 5TH AVE, DAYTON, KY 41074

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 1017 4th Avenue, 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).

THIS IS A VIOLATION OF THE CITY OF DAYTON CODE OF ORDINANCES. THE UNCONTESTED FINE FOR THIS VIOLATION IS \$100, PLUS SUBMIT A \$40 RENTAL LICENSE FEE, FOR A TOTAL FINE AMOUNT OF \$140.

Notice

The violation(s) with which you have been charged is/are civil offense(s) pursuant to Dayton Code of Ordinances. Accordingly, you must pay the above-referenced uncontested fine within seven (7) days, or request, in writing, a hearing before the Code Enforcement Board within seven (7) days after issuance of this citation.

If you choose not to contest this citation and pay the above-referenced penalty to the city within seven (7) days, you shall be deemed to have waived the right to a hearing to contest the citation and the determination that you committed a violation shall be considered final. In addition, you will be subject to a continuing civil fine of \$100 per day per violation for the first 30 days after issuance of the citation if the violation(s) remain uncorrected, and thereafter, a civil fine of \$250 per day per violation, until the violation(s) are corrected, up to a maximum of \$5,000 per citation. The city also may recover all fines, penalties, charges, attorney fees, and other reasonable costs associated with prosecuting, enforcing, and/or abating the Code violation(s) set forth in this citation.

To pay the penalty, please remit payment in person or by mail to the City Clerk/Treasurer, City of Dayton, 514 Sixth Avenue, Dayton, Kentucky 41074.

If you choose to appeal this citation, you must request a hearing before the Code Enforcement Board by submitting an appeal, in writing, to the Dayton City Clerk/Treasurer at the Dayton City Building, 514 Sixth Avenue, Dayton, Kentucky 41074, within seven (7) days after issuance of this citation.

NOTICE: Failure to pay the applicable civil penalty or request a hearing, in writing, from the Code Enforcement Board within the prescribed time shall constitute a waiver of your right to contest the citation and will result in a determination that a violation was committed and it shall be final and non-appealable.

Signature of Issuing Official:

Angie Behne
Asst. City Clerk
City of Dayton, Ky.