

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#12**

**AN ORDINANCE AMENDING CHAPTER 31 OF THE DAYTON
CODE OF ORDINANCES TO UPDATE INFORMATION ABOUT
NON-ELECTED CITY OFFICIALS AND CITY EMPLOYEES.**

WHEREAS, Chapter 31 of the Dayton, Kentucky, Code of Ordinances (“Code”) sets forth the positions and responsibilities of elected city officials, non-elected city officials, and city employees;

WHEREAS, sections of Chapter 31 dealing with non-elected city officials and city employees needs to be updated to reflect additions and changes in these positions;

NOW, THEREFORE, THE DAYTON CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Chapter 31 of the City of Dayton Code of Ordinances, titled “City Officials,” is hereby repealed in its entirety and replaced as follows:

**ARTICLE III: ADMINISTRATION
CHAPTER 31: CITY OFFICIALS**

NON-ELECTED CITY OFFICIALS AND CITY EMPLOYEES

§ 31.35 ESTABLISHMENT OF NON-ELECTED CITY OFFICES.

(A) All non-elected city offices shall be created by ordinance which shall specify:

- (1) Title of office;
- (2) Powers and duties of office;
- (3) Oath of office; and
- (4) Bond, if required.

(B) With the exception of the Police Chief and all city police officers, all non-elected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

(C) All non-elected officers may be removed by the Mayor at will unless otherwise provided by statute, ordinance, or contract. However, this requirement shall not be construed as limiting in any way the at-will dismissal power of the Mayor.

(D) The city may create non-elected offices other than those referred to below. The following are non-elected city offices and city employees:

- (1) Non-elected offices:
 - a. City Clerk/Treasurer
 - b. City Administrator
 - c. City Attorney
 - d. Alcoholic Beverage Control Administrator
- (2) City employees

- a. Assistant City Administrator
- b. Assistant City Clerk/Treasurer
- c. Police Chief
- d. Code Enforcement Director
- e. Public Works Director

NON-ELECTED CITY OFFICIALS

§ 31.36 CITY CLERK/TREASURER.

The city hereby establishes the office of the City Clerk/Treasurer, who shall be appointed by the Mayor with approval of City Council and who may be removed by the Mayor at will.

(A) The duties and responsibilities of the City Clerk/Treasurer shall include, but are not limited to, the following:

- (1) Maintenance and safekeeping of the permanent records of the city;
- (2) Performance of the duties required of the "official custodian" or "custodian" in accordance with KRS 61.870 through 61.882;

(3) Possession of the seal of the city, if used;

(4) No later than January 31 of each year, mailing or electronically submitting to the Department for Local Government, a list containing current city information, including, but not limited to, the following:

(a) The correct name, telephone number, and email address of the Mayor, legislative body members, and the correct name, telephone number, and email address for the city's appointed officials or employees who are serving in the following roles or substantially similar roles as of January 1 of each year:

- 1. City Clerk/Treasurer;
- 2. City Administrator;
- 3. City Attorney;
- 4. Alcoholic Beverage Administrator;
- 5. Assistant City Administrator;
- 6. Assistant City Clerk/Treasurer;
- 7. Police Chief;
- 7. Code Enforcement Director; and
- 8. Public Works Director

(b) The correct name of the city, mailing address for city hall, and telephone number of the city hall; and

(c) The name and telephone of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.

(3) Publishing various legal advertisements and providing legal notices on behalf of the city as required by state law.

(5) Performance of all other duties and responsibilities required of the City Clerk or of the City Treasurer by statute or ordinance or at the direction of the Mayor or City Administrator.

(6) Once the information required to be reported under division (A)(4)(a) of this section is compiled by the Department for Local Government, the department shall forward one (1) electronic copy of the compiled information to the Legislative Research Commission, pursuant to KRS 83A.085.

(B) Compensation shall be in the amount as established by the City Council from time to time as set forth in § 31.03.

(C) No person shall be appointed or act as the City Clerk/Treasurer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond in an amount of twenty-five thousand dollars (\$25,000.00) with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

§ 31.37 CITY ADMINISTRATOR

(A) The city hereby establishes the office of the City Administrator, who shall be appointed by the Mayor with approval of City Council, and who may be removed by the Mayor at will or under the terms of the City's contract with the City Administrator.

(B) The qualifications of the City Administrator shall include, but not be limited to, professional training and experience in municipal management and administration sufficient to ensure competence in the position.

(C) The duties and responsibilities of the City Administrator shall include, but are not limited to, the following:

(1) Advising the Mayor in policy formulation, management operations, and overall issues of the city.

(2) Preparing and administering operating and capital-improvement budgets under the direction of the Mayor.

(3) Advising the Mayor concerning the appointment, termination, and discipline of subordinate administrative personnel.

(4) Maintaining continuing direct relationships with department directors on the implementation and administration of programs, projects, and initiatives.

(5) Carrying out all additional duties lawfully delegated by an appropriate executive order with the same powers as the executive authority in carrying out these duties

§ 31.38 CITY ATTORNEY

(A) The city hereby establishes the office of the City Attorney, who shall be appointed by the Mayor with approval of City Council and removed by the Mayor at will.

(B) The city attorney serves as the city's chief legal counsel whose duties and responsibilities shall include, but not be limited to, advising the mayor and city officials on legal matters pertaining to the interests of the city, representing the city in legal actions in which the city is an interested party, and attending City Council meetings and providing legal advice to City Council at those meetings.

§ 31.39 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

(A) The city hereby establishes the office of Alcoholic Beverage Control Administrator, who shall be appointed by the Mayor with approval of City Council and who may be removed by the Mayor at will.

(B) The functions of the Alcoholic Beverage Control Administrator shall be the same with respect to city licenses and regulations as the functions of the State Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulation adopted by the Alcoholic Beverage Control Administrator may be less stringent than the statutes relating to alcoholic beverage control, or than the regulation of the State Board. No regulation of the Alcoholic Beverage Control Administrator shall become effective until it has been approved by the State

Board. The specific duties and responsibilities of the Alcoholic Beverage Control Administrator shall include, but are not limited to the following:

- (1) Enforcement of all state laws relating to alcoholic beverage control.
 - (2) Enforcement of all city ordinances relating to alcoholic beverage control.
 - (3) Enforcement of all administrative regulations relating to alcoholic beverage control.
 - (4) Direction of preparation of and maintenance of all necessary records and files.
 - (5) Performance of all necessary correspondence, requisition of supplies and recommendation of the purchase of necessary equipment.
 - (6) Meet with and answer questions for the public.
- (C) Compensation shall be established by the mayor upon appointment of the Alcoholic Beverage Control Administrator. The Alcoholic Beverage Control Administrator shall also be compensated by the city for any necessary trips to Frankfort in which the Administrator shall be required for testimony related to cases arising out of the city.

CITY EMPLOYEES

§ 31.40 ASSISTANT CITY ADMINISTRATOR

(A) The city hereby establishes the office of Assistant City Manager as a city employee, who shall be appointed by the Mayor and who may be removed by the Mayor at will.

(B) The qualifications of the Assistant City Administrator shall include, but not be limited to, professional training and experience in municipal management and administration sufficient to ensure competence in the position of Assistant City Administrator.

(C) The duties and responsibilities of the Assistant City Administrator shall include, but are not limited to, the duties set forth in § 31.37(3) above in the absence of the City Administrator and all other duties assigned to the Assistant City Administrator by the Mayor or City Administrator.

§ 31.41 ASSISTANT CITY CLERK/TREASURER

(A) The city hereby establishes the office of Assistant City Clerk/Treasurer as a city employee, who shall be appointed by the Mayor and who may be removed by the Mayor at will.

(B) The qualifications of the Assistant City Clerk/Treasurer shall include, but not be limited to, professional training and experience in clerical and bookkeeping duties to ensure competence in this position of Assistant City Clerk/Treasurer.

(C) The duties and responsibilities of the Assistant City Clerk/Treasurer shall include, but are not limited to, the duties set forth in § 31.36(A) in the absence of the City Clerk and all other duties assigned to the Assistant City Clerk/Treasurer by the Mayor, City Administrator, or City Clerk/Treasurer.

§ 31.42 POLICE CHIEF

For provisions concerning the Police Chief, see § 33.21.

§ 31.43 CODE ENFORCEMENT DIRECTOR.

(A) The city hereby establishes the office of Code Enforcement Director, who shall be appointed upon sole authority of the Mayor and who may be removed by the Mayor at will.

(B) The duties and responsibilities of the Code Enforcement Director shall include, but are not limited to, the following:

(1) It shall be the duty of the Code Enforcement Director to enforce all ordinances relating to buildings or structures, blight, and other ordinances as directed by the City Council through duly enacted ordinances.

(2) The Code Enforcement Director shall work with the Campbell County Planning, Zoning and Building Inspection Department ("Campbell County P&Z") regarding building and zoning codes compliance and shall have concurrent power with Campbell County P&Z to perform all duties connected therewith.

(3) The Code Enforcement Director shall have the power to order all work stopped on construction, alteration, or repair of buildings in the city when such work is done in violation of any ordinance relating thereto, including the building and zoning codes, or other building-related ordinances. Work shall not be resumed after the issuance of such an order except by written permission of the Code Enforcement Director or Campbell County P&Z; however, if the stop work order is an oral one, it shall be followed by a written stop work order within 24 hours. Such written stop work orders may be served by the Code Enforcement Director, Campbell County P&Z, or inspectors at their direction, or any police officer.

§ 31.44 DIRECTOR OF PUBLIC WORKS.

(A) The city hereby establishes the position of Director of Public Works, who shall be appointed by the Mayor and who may be removed by the Mayor at will.

(B) The duties of the Director of Public Works shall be those set forth in the current job classification system adopted by the city.

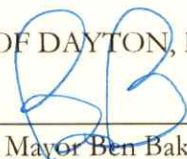
(C) Compensation shall be in the amount as established by the City Council by ordinance.

(D) The Director of Public Works shall have all powers of a citation officer as described in KRS 83A.087.

(E) No person shall be appointed or act as the Director of Public Works unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

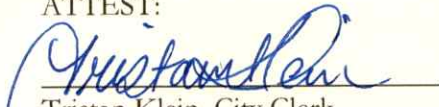
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Ayes: 5 Nays: 0 Abstained: 0

CITY OF DAYTON, KENTUCKY

By:  _____

Mayor Ben Baker

ATTEST:


Tristan Klein, City Clerk