

**CITY OF DAYTON, KENTUCKY
ORDINANCE 2024#20**

AN ORDINANCE AMENDING SECTIONS 150.15 THROUGH 150.18 OF CITY OF DAYTON, KENTUCKY, CODE OF ORDINANCES (“CODE”) TO REFLECT THE CITY’S CONTRACT WITH THE CAMPBELL COUNTY PLANNING, ZONING, AND BUILDING INSPECTIONS DEPARTMENT TO PROVIDE ZONING AND BUILDING INSPECTION SERVICES TO THE CITY AND TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THESE SECTIONS CONSISTENT WITH SECTION 38.15 OF THE CODE.

WHEREAS, the City of Dayton, Kentucky (“City”) contracts with the Campbell County Planning, Zoning, and Building Inspections Department to provide zoning and building inspection services to the City; and

WHEREAS, the City needs to amend Sections 150.15 through 150.18 of the Code to reflect this contract and to impose civil penalties for violations of these sections.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:

The City of Dayton Code of Ordinances -- Title XV: Land Usage, Chapter 150, Permits, Sections 150.15 through 150.18 -- is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined.

PERMITS

§ 150.15 ZONING, BUILDING, AND WRECKING DEMOLITION, AND OTHER PERMITS REQUIRED; EXCEPTION.

(A) It shall be unlawful to construct, enlarge, alter, remove, or demolish a building or to install or alter any equipment in, on, or to a building without first filing application (s) in writing with the City’s designated Building Inspector and/or ~~/Zoning~~ Administrator (“Inspector/Administrator”) ~~writing~~ and obtaining the required permit (s) therefor, except that ordinary repairs as defined in division (B) of this section shall be exempt from this provision.

(B) Ordinary repairs to buildings may be made without application or notice to the Inspector/ ~~Zoning~~ Administrator; however, but those these repairs shall not include the removal or cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of ingress and egress, or the rearrangement of parts of a structure affecting the exit-way requirements. Ordinary repairs shall not include any addition to, alteration of, or replacement of any standpipe, water supply, sewer, drainage,

drain leader, gas, soil, waste, vent, or similar piping, electrical wiring, or mechanical or other work affecting public health and safety.

§ 150.16 ~~ZONING, BUILDING, AND WRECKING DEMOLITION, AND OTHER PERMITS FEE SCHEDULE.~~

~~(A) The Campbell County building and permit fee schedule & Municipal Planning & Zoning Department fee schedule, as amended from time to time, is hereby adopted by reference by the City as if this schedule was fully set forth written in this ~~code~~ Code of Ordinances. Copies of the fee schedules and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours. This fee schedule may be viewed at https://campbellcountky.gov/egov/documents/9bed0876_17b3_80e0_329d_ba2cc6303988.pdf or at the offices of the Campbell County Planning, Zoning, and Building Inspections Department at 1098 Monmouth Street, Suite 343, Newport, Kentucky 41071 ~~However, n~~~~

~~(B) Neither the city nor its agencies shall be required to pay any zoning, building, demolition, or other permit fee established hereunder.~~

§ 150.17 ELECTRICAL PERMITS.

(A) Electrical permits ~~shall~~ must be obtained prior to the installation, addition, alteration, repair, relocation, or removal of electrical wiring.

(B) The cost of the permit for electrical installation, additions, alterations, repair, relocation, or removal shall be as set forth in §150.16 above.

(C) All electrical permits shall be obtained from the City Inspector's Department.

§ 150.18 ENFORCEMENT.

~~(A) Dayton Code Enforcement Department and the Campbell County Planning, Zoning, and Building Inspections Department **both** shall have dual authority to enforce this subchapter of the City of Dayton, Kentucky, Code of Ordinances ("Code").~~

~~(B) Violations of this Code subchapter are civil offenses, which may be enforced through the City's Code Enforcement Board, pursuant to the provisions of Chapter 38 of the Code.~~

~~(C) Any person, firm, corporation, or titled owner who violates a provision in this Chapter shall be subject to a civil fine of not less than fifty dollars (\$50.00) per day per violation, but not more than one hundred dollars (\$100.00) per day per violation for the first thirty (30) days if the violation(s) remains uncorrected, and thereafter, a civil fine of not less than one hundred dollars (\$100.00) per day per violation, but not more than two hundred fifty dollars (\$250.00) per day per violation, until the violation(s) are corrected. The city may also recover any costs it incurs in abating the violation(s).~~

~~(D) Each day a violation continues after due notice has been served shall be deemed a separate offense, up to a maximum of five thousand dollars (\$5,000.00) per citation. The Inspector/Administrator may suspend daily fines if a property owner submits documentation or provides other substantial evidence showing it has taken action to remediate the code violation(s). If so, the Inspector/Administrator shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. The Inspector/Administrator may revoke the suspension if, in his or her opinion, remediation efforts at the property have discontinued; this revocation also shall be recorded in the case file.~~

(E) If the property owner timely appeals violation(s) to the Code Enforcement Board, the Board may waive the fines accrued under this section if the property owner can show an attempt to remediate the code violation(s) in a timely fashion.

(F) The City of Dayton shall possess a lien on a property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing the provisions of this Chapter and may place a lien on this parcel of real property with the County Clerk pursuant to Kentucky law. 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 the City's property tax bill for the property.

§ 150.18 ZONING PERMITS, APPEALS, APPLICATIONS.

~~—The following schedule for zoning permits, appeals, zoning applications, and other matters required under Chapter 154 is adopted as a fee schedule for the respective permits. The schedule applies in all situations where a permit is required with the exception that the city or any of its agencies is not required to obtain a permit nor pay a fee and does not apply to qualified buildings in the enterprise zone:~~

~~—(A) Site Development Plan Review:~~

~~—(1) Industrial, Commercial and Special Zones: I-1, I-2, NCD, CBD, RO, PUD, MLU:~~

~~—(a) Rate (0-10,000 square feet of building) = \$0.20/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 Certificate of Land Use Restriction (CLUR):~~

~~—(b) Rate (10,001 - 60,000 square feet of building) = \$0.25/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR:~~

~~—(c) Rate (60,001 - 100,000 square feet of building) = \$0.30/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR:~~

~~—(d) Rate (over 100,000 square feet of building) = \$0.35/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR:~~

~~—(2) Zones: CO, R-1bC, R-1c, R-1d, R-1e, R-1g, R-1h, R-1j, R-2, R-3, R-4, RCD, RMHP. Rate = \$0.10/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR:~~

~~—(3) Cellular/telecommunications tower site plan review: all zones. Rate = \$1,000.00 (flat fee):~~

~~—(4) Minimum fee for all zones = \$250.00 + \$100.00 inspection fee (co-locations on cell towers):~~

~~—(5) All zones:~~

<i>Item</i>	<i>Rate</i>
Extension of time of site plan construction work	\$50.00 (flat fee) plus
Revision fee of approved site plans	50% of original fee
Any project started before obtaining a permit shall be charged double the regular permit rate, but still must comply	

~~—(B) Subdivision Review:~~

<i>Item</i>	<i>Rate</i>
Preliminary Plat	\$500.00 (flat fee) plus \$10.00 per acre (area) plus \$15.00 CLUR

Improvement Plan	\$500.00 (flat fee) plus \$10.00 per acre (area) plus \$15.00 CLUR
Final Plat	\$400.00 (flat fee) plus \$10.00 per acre (area)
Grading Plan	\$400.00 (flat fee) plus \$10.00 per acre (area)
Waiver	\$400.00 (flat fee)
Resubmission or charges to above	50% of original fee
Conveyance	\$200 (flat fee)
Identification Plat	

— (1) — Inspection Fees: Improvement Plan Review:

— (a) — Earthwork, Grading, and Final Inspection for Street Inspections. Rate = \$1.50 per lineal foot along street centerlines:

— (b) — Storm drainage systems. Rate = \$0.75 per lineal foot of pipe:

— (2) — The Sanitation District No. 1 and the Northern Kentucky Water Service District shall inspect sanitary sewer and water systems construction and installation, respectively. Results of the inspection(s) shall be forwarded to the Planning Commission's duly authorized representative upon completion. Fire Access and hydrant installation shall be inspected by the governing Fire District Chief and/or Inspector. Approval from these three agencies must be received before Final Plat approval can be granted:

— (3) — (a) — Construction Inspection fees shall be limited to improvement items to be dedicated for public use and maintenance and grading work on the site:

— (b) — Construction inspection fees shall be calculated by the applicant and verified by the Campbell County Planning Commission's duly authorized representative upon review of the submitted improvement drawings:

— (4) — Storm Drainage Systems (if part of the proposed Grading Plan). Rate = \$0.75 per lineal foot of pipe:

— (5) — (a) — Construction inspection fees shall be limited to improvement items to be dedicated for public use and maintenance and grading work on the site:

— (b) — Construction inspection fees shall be calculated by the applicant and verified by Campbell County Planning Commission's duly authorized representative upon review of the submitted improvement drawings:

— (c) — One hundred percent of the total for inspection fees shall be submitted prior to approval of the grading plan. Grading plan fees that are paid in full are not required as part of the improvement plan and final plat review inspection fee unless changes are made to the grading and storm sewer plans:

— (d) — Any project started before obtaining a permit shall be charged double the regular permit rate, but still must comply with all the requirements of the county:

— (C) — Zone map amendment:

— (1) — Zones: CO, R-1bC, R-1c, R-1d, R-1e, R-1g, R-1h, R-1j, R-2, R-3, R-4, RCD, RMHP. Rate = \$1,000.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre (land area) + \$15.00 CLUR:

— (2) — Zones: NCD, CBD, RO, PUD, MLU. Rate = \$1,200.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre (land area) + \$15.00 CLUR:

- ~~— (3) Zones: I-1,1-2. Rate = \$1,500.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre (land area) + \$15.00 CLUR.~~
- ~~— (4) Postponement or continuance of a zoning map amendment request or concept.~~
- ~~— (5) Development plan approval requiring a new public hearing (when requested by the applicant and as a result of the applicant's action). Rate = 50% of the above flat fee + \$5.00 per adjoining property owner + \$100.00 publication fee.~~
- ~~— (D) Board of Adjustment and Zoning Appeal Review:~~
 - ~~— (1) Appeals:~~
 - ~~— (a) Agricultural and Residential Zones = \$350.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (b) All other zones. Rate = \$650.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (2) Change of non-conforming use to another:~~
 - ~~— (a) Agricultural and Residential Zones. Rate = \$250.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (b) All other zones. Rate = \$500.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (3) Variance:~~
 - ~~— (a) Agricultural and Residential Zones. Rate (Each Variance) = \$350.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (b) All other zones. Rate (Each Variance) = \$600.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (4) Conditional use permit:~~
 - ~~— (a) Agricultural and Residential Zones. Rate = \$400.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
 - ~~— (b) All other zones. Rate = \$700.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.~~
- ~~— (E) Zoning permit fees:~~
 - ~~— (1) In all Residential Zones:~~
 - ~~— (a) Building types:~~

<i>Building type</i>	<i>Rate</i>
Single Family	\$50.00
Two Family, Multi-Family	\$100.00
Manufactured Home	\$50.00
Accessory Structures	\$50.00

- ~~— (b) Additions to existing buildings (excluding construction of new units, but including detached buildings):~~

<i>Item</i>
Increase in size up to 150 square feet
Each additional 1,000 square feet

- ~~— (2) All other zones. New construction or additions to existing buildings.~~

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<i>Item</i>
Up to 5,000 square feet of gross floor area
Each 1,000 square foot over 5,000 square foot of gross floor area
Each 1,000 square foot over 100,000 square foot of gross floor area

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~~—(3) General All Zones:~~

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<i>Item</i>
Change in Use/Occupancy, when zoning classification and building dimensions are not changed (a building inspection fee shall be required)

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~~—(4) Certificate of Occupancy:~~

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<i>Item</i>
Conforming uses and structures
Non-conforming uses and structures

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~~—Note: A certificate of occupancy shall not be issued unless all construction items have been completed (including sidewalks, driveway aprons, decks, and all items required under the current building code):~~

~~—(5) Sign permit review. All classes (1-9) = \$100.00 per sign.~~

~~—(6) Swimming pool permit. All zones = \$50.00 (flat fee).~~

~~—(7) Fence permit. All zones = \$50.00 (flat fee).~~

~~—(8) Other accessory uses. All zones = \$30.00 (flat fee).~~

~~—(9) Parking and Loading/Unloading areas. Off street parking and loading/unloading areas (when developed separately and not included in residential or commercial listings above) where total area is less than 5,000 square feet.~~

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<i>Item</i>
0-5,000 square feet
Each 1,000 square feet over 5,000 square feet

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~~—(F) Fees not returnable. Fees required in any of the foregoing regulations or in any parts of this chapter shall not be returnable for any cause, regardless of the outcome of decision on any application. No fee or part thereof shall be refunded once an application has been advertised for public hearing.~~