

CITY OF DAYTON, KENTUCKY
CODE ENFORCEMENT DEPARTMENT
514 SIXTH AVENUE DAYTON, KENTUCKY 41074
PROPERTY ADDRESS 813 6th Avenue, 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:

Citations were issued regarding the above-referenced property on December 4, 2024. A copy of the citation is attached hereto and incorporated by reference as if fully set forth herein. The citation is identified as # 5052 and are violations of the City of Dayton Code of Ordinances.

More than seven days have elapsed since service of the attached citations, 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.

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 1/15/25.

Carlos Zerpa

813 6th Avenue

Dayton, Ky 41074



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

514 Sixth Avenue · Dayton, Kentucky 41074



Phone: (859) 491-1600 · Fax: (859) 491-3538

Code Enforcement Uniform Citation

12/04/2024

CARLOS ZERPA
813 6TH AVENUE
DAYTON, KY 41074

Citation No. 5052
Property Address: 813 6TH AVE DAYTON, 41074
Date and Time of Issuance: 12/04/2024 @ 10:00am

Property Owner: CARLOS ZERPA
Owner's Address: 813 6TH AVENUE DAYTON, KY 41074

The undersigned Code Enforcement Officer for the City of Dayton, Ky. 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 condition(s) to exist at 813 6TH AVE:

Code Section: **Code Section: 102.3 Repairs, Additions or Alterations**
Facts Constituting Offense: Permits for alterations not obtained as required by notice of violation.
Permits for change of occupancy not obtained as required by notice of violation.
 Description of Violation:
Code Section: 102.3 Repairs, additions or alterations.

Corrective Action Required: Obtain permits for alterations performed without permit. Obtain permit for change of occupancy.

Copy of Code Section: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Kentucky Building Code, Kentucky Residential Code, the Uniform State Building Code as is established by the Board of Housing, Buildings and Construction of the State of Kentucky, National Electrical Safety Code, the National Electric Code and City of Dayton Code of Ordinance.

Code Section: **Code Section: 108.1.3 Structure Unfit for Human Occupancy**
Facts Constituting Offense: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupancy or future occupancy of the structure or to the public.
If structure is occupied, it must be vacated as required by notice of violation.
 Description of Violation:
Code Section: 108.1.3 Structure Unfit for Human Occupancy

Corrective Action Required: If repairs are not completed by stipulated date, building will be condemned and occupancy of structure will be terminated immediately as structure will be unfit for human occupancy; if not occupied, repairs must be made before future occupancy is permitted

Copy of Code Sections: 108.1 /108.1.3
108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be

condemned pursuant to the provisions of this code.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

The following action must be taken to correct the above stated violation(s):

THIS IS A VIOLATION OF THE CITY OF DAYTON CODE OF ORDINANCES AND THE UNCONTESTED FINE IS \$100.

Notice

The violation(s) with which you have been charged is/are civil offense(s) pursuant to the City of Dayton Code of Ordinances ("Code") and/or International Property Maintenance Code. 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 fail to pay the uncontested fine within seven 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) remains 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's fees, and other reasonable costs associated with prosecuting, enforcing, and/or abating the Code violation(s) set forth in this citation.

To pay the uncontested civil fine, please remit payment in person or by mail to the Dayton City Clerk/Treasurer, City of Dayton, 514 Sixth Avenue, Dayton, Kentucky 41074, within seven days of issuance of the citation.

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

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

This citation is issued pursuant to KRS 65.8801 to 65.8839 and Chapter 38 of Dayton Code of Ordinances ("Code") and Section 99.99 of the Code, and possibly other applicable Code provisions.

Signature of Issuing Official:

Cassie Patterson
Code Enforcement Director
City of Dayton, Ky.