

CITY OF DAYTON, KENTUCKY
CODE ENFORCEMENT DEPARTMENT
514 SIXTH AVENUE DAYTON, KENTUCKY 41074
PROPERTY ADDRESS 1018 Ervin Terrace, 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 10, 2024. A copy of the citation is attached hereto and incorporated by reference as if fully set forth herein. The citation is identified as # 5055 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 Jan 17, 2025.

Bill, Nancy & Douglas Rogers

1018 Ervin Terrace

Dayton, Ky 41074



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



Code Enforcement Uniform Citation Rental Property Inspection License

12/10/2024

ROGERS BILL D & NANCY ROGERS DOUGLAS K
1018 ERVIN TERRACE
DAYTON, KY 41074

Citation No. 5055
Property Address: 1018 Ervin Terrace
Date and Time of Issuance: 12/10/2024 @ 3:00 pm

Property Owner: ROGERS BILL D & NANCY ROGERS DOUGLAS K
Owner's Address: 1018 ERVIN TERRACE, 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 1018 Ervin Terrace, Dayton, Ky. ("Property").

Code Section: **Section 150.83 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 150.84 of the City in Dayton Code of Ordinances ("Code"), titled "Rental Inspection Licenses; Fees."** Section (A) thru (K) 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.

"(D) The City Clerk shall issue initial licenses and renewals in the names of the owners of residential rental property. No license shall be issued by the city unless the rental dwelling unit for which the license is issued meets all requirements of this subchapter and applicable rules and regulations pursuant thereto.

"(E) No rental inspection license shall be issued or renewed unless the owner or its designee has applied to the city on an application form provided by the city and signed this form. The owner of the rental dwelling shall provide convenient times for inspectors to enter the building to inspect the building under the program.

"(F) The city will not issue or renew a rental inspection license for a rental dwelling unless the owner of the dwelling pays the annual fee for each rental unit in the dwelling. The city will not issue an occupational license for a property owner providing rental dwelling units in the city unless the owner first submits an application and pays an annual rental inspection license fee for each rental dwelling unit it owns or operates in the city.

"(G) The city will not issue or renew the rental inspection license to an individual or entity not residing in the Commonwealth of Kentucky unless such applicant designates, in writing, with the City Clerk, the name and address of an agent within the Commonwealth of Kentucky.

"(H) The owner of rental dwelling unit(s) in the city must produce, if requested by the inspector or other city official, a copy of the rental inspection license for these dwelling unit(s). The rental inspection license is not transferable to another person or entity. Every person holding a rental inspection license shall give notice, in writing, to the inspector within twenty-four (24) hours after transferring the property or otherwise disposing of ownership or legal control of it. Such notice shall include the name and address of the person or entity that now owns or controls the rental dwelling.

"(I) Whenever, upon inspection of a rental dwelling unit, an inspector finds conditions or practices that violate provisions of this subchapter, he or she may serve upon the owner or its designee notice of such violation as provided herein. This notice shall be served by the city by either hand delivery to the owner or its agent or by first-class, U.S. mail at its last known address. Such notice shall state that if the cited violations are not corrected within a reasonable time, the owner may be subject to civil fines and/or a suspension or revocation of owner's occupational license and/or rental inspection license.

"(J) At the end of the time allowed for correction of any violations cited by the inspector, the inspector shall reinspect the rental dwelling unit, at a cost of forty dollars (\$40) per each additional inspection. If the inspector determines that the violations still exist or have not been properly corrected, then he or she may issue an order assessing fines for noncompliance and/or take action to suspend the city's rental inspection license and occupational licenses for the rental dwelling. The inspector shall notify the owner of this action in writing and the owner may request a hearing, in writing, before the Code Enforcement Board within seven (7) days after receipt of the notice of violation.

"(K) Any person whose license to operate a rental dwelling has been suspended and who has been notified as provided herein shall be entitled to a hearing in the manner provided for in § 150.88 of this subchapter. The city will not revoke a rental inspection license while a hearing is pending. If, upon reinspection, the inspector finds that the rental dwelling cited with a notice of violation is now in compliance with this subchapter, then the inspector shall reinstate the license by written order, which will automatically cancel any pending hearing.

Corrective Action Required: Property Owner must register its rental property and/or obtain a rental occupational license under Section 150.83(A) of the Code by completing the application form set forth in Section 150.84(E) and paying a \$40 rental license fee to the City for each rental unit located at the Property under Section 150.84(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 PER UNIT, FOR A TOTAL FINE AMOUNT OF \$100.00 PLUS \$ 40.00 FOR EACH ADDITIONAL UNIT OF OCCUPANCY.

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.

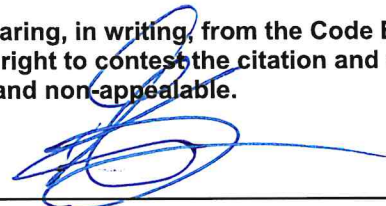
If you choose not to contest this citation and pay the above-referenced penalty to the city within seven (7) days, you shall be deemed to have waived the right to a hearing to contest the citation and the determination that you committed a violation shall be considered final. In addition, you will be 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.