

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#1**

**AN ORDINANCE AMENDING SECTION 111.01 AND 111.02
OF THE CITY OF DAYTON CODE OF ORDINANCES
REGULATING THE SALE OF ALCOHOLIC BEVERAGES
IN THE CITY.**

WHEREAS, the City of Dayton adopted an ordinance regarding the sale of alcoholic beverages in the City; and

WHEREAS, the City wishes to amend this ordinance.

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:

Section 111.01 and 111.02 of the City of Dayton, Kentucky (“City”) Code of Ordinances, which regulates the sale of alcoholic beverages within the City, is hereby amended, with words being deleted being ~~lined through~~ and words being added underlined as follows:

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“ADMINISTRATOR.” Shall mean the office of city alcoholic beverage control administrator as required by Kentucky Revised Statute 241.160 and assigned to the ~~Chief of Police Assistant City Clerk~~.

“PERSON.” Shall mean any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

Many additional words and phrases used in this ordinance are also used and defined in Kentucky Revised Statute chapters 241, 242, 243, and 244. The meanings of these words and phrases as defined by Kentucky Revised Statute have the same meaning in this ordinance.

§ 111.02 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

Pursuant to Kentucky Revised Statute 241.160, the office of city alcoholic beverage control administrator is hereby created and assigned to the office of the ~~Chief of Police Assistant City Clerk~~. The Alcoholic Beverage Control Administrator shall have all the powers and duties as authorized under Kentucky Revised Statute Chapter 241.

CITY OF DAYTON, KENTUCKY

By:

Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

First Reading:

Second Reading:

**CITY OF DAYTON, KENTUCKY
ORDINANCE 2024#2**

AN ORDINANCE ADOPTING THE DAYTON, KENTUCKY,
HISTORIC PRESERVATION GUIDELINES AND INCORPORATING
THEM AS AN APPENDIX TO THE CITY'S ZONING CODE.

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

WHEREAS, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

WHEREAS, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add provisions for civil penalties to three sections of the Zoning Regulations; and

WHEREAS, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on February 15, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; and

WHEREAS, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendments to the Zoning Regulations as set forth below; and

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:

The Dayton, Kentucky, Historic Preservation Guidelines, which are attached hereto as Exhibit “A”, are hereby adopted and incorporated by reference herein and shall be included in the City’s Code of Ordinances as an Appendix to the City of Dayton Zoning Code.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: February 20, 2023

Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

EXHIBIT "A"

**CITY OF DAYTON, KENTUCKY
ORDINANCE 2024#3**

AN ORDINANCE AMENDING THREE SECTIONS OF CITY OF DAYTON, KENTUCKY, ZONING CODE -- SECTION 18.10 OF CHAPTER 154, ZONING; CHAPTER 155, SUBDIVISION REGULATIONS; AND CHAPTER 156, HISTORIC PRESERVATION -- TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF THOSE SECTIONS TO BE CONSISTENT WITH THE CIVIL PENALTIES FOUND IN SECTION 38.15 OF THE OF THE DAYTON CODE OF ORDINANCES.

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, Subdivision Regulations, and Appendixes (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

WHEREAS, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

WHEREAS, the City Council requested that P&Z Commission review and act upon a request to amend the Zoning Regulations to add provisions for civil penalties to three sections of the Zoning Regulations; and

WHEREAS, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on February 15, 2024, in Dayton, Kentucky, to review and recommend modifications to the Zoning Regulations; and

WHEREAS, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendments to the Zoning Regulations as set forth below; and

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Regulations, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

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

That the City of Dayton Zoning Code is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined.

Chapter 154, Zoning, Section 18.10, is hereby amended as follows:

SECTION 18.10 CIVIL PENALTIES

~~Any person or entity who violates any of the provisions of this appendix for which no other penalty has been specifically provided shall upon conviction be fined not less than ten~~

~~dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.~~

(A) Violations of this Chapter of the City of Dayton, Ky., Code of Ordinances (“Code”) are civil offenses, which shall be enforced through the Code Enforcement Board pursuant to the provisions of Chapter 38 of the Code.

(B) 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).

(C) 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. A Code Enforcement Officer 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 Code Enforcement Officer shall enter a written notation in the case file outlining the remediation efforts undertaken and the date on which the daily fines were suspended. This Officer 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.

(D) 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.

(E) 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.

Chapter 155, Subdivision Regulations, Section 8.4 is hereby amended as follows:

SECTION 8.4 CIVIL PENALTIES.

~~Any person, owner, or agent who violates these regulations shall upon conviction be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.~~

Chapter 156, Historic Regulations, is hereby amended by adding new sections as follows

SECTION 11. HISTORIC PRESERVATION GUIDELINES

The Dayton, Kentucky, Historic Preservation Guidelines approved by the Dayton City Council, and these guidelines and any amendments thereto, are hereby adopted and incorporated by reference herein. These Guidelines are an Appendix to this Chapter.

SECTION 12. CIVIL PENALTIES

Any person, firm, corporation, or titled owner who violates a provision of this Chapter shall be guilty of a civil offense and be subject to enforcement actions and civil fines as set forth in Section 18.10 of Chapter 154.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: _____
Second Reading: _____

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2024#4**

**AN ORDINANCE AMENDING 150.85 OF THE CITY'S
RESIDENTIAL RENTAL LICENSE AND SAFETY
INSPECTION PROGRAM TO PROVIDE FOR PRE-
INSPECTION RIGHTS REVIEW.**

WHEREAS, the City of Dayton adopted a Residential Rental License and Safety Inspection Ordinance; and

WHEREAS, the City wishes to clarify certain provisions within this ordinance.

NOW, THEREFORE, THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY, HEREBY ORDAINS AS FOLLOWS:

Section 150.85 of the Residential Rental License and Safety Inspection Ordinance is hereby amended, with words being deleted being ~~lined through~~ and words being added underlined as follows:

§ 150.85 INSPECTION.

(A) The inspector shall enforce the provisions of this subchapter. The inspector is authorized and directed to inspect rental dwelling units within the City in response to a complaint that an alleged violation of this subchapter may exist, when the inspector has valid reason to believe a violation of this subchapter has been or is being committed, or as part of a proactive rental inspection (“PRI”) program that the City may implement. Complaints to the City may be submitted by any individual, including an occupant of a rental dwelling unit, a neighbor, contractor, Code Enforcement Officer, or Police or Fire Department officer.

(B) The inspector is authorized to enter and inspect all premises subject to the provisions of this subchapter for the purpose of determining whether a rental dwelling or dwelling unit complies with the provisions of this subchapter. The inspector may enter any rental dwelling unit and the common areas used by the tenant in that rental dwelling at the tenant’s invitation, without the consent of the owner and/or operator of the rental dwelling.

(C) The inspector and the owner, occupant, or other person in charge of the premises may agree to an inspection by appointment.

(D) During inspections, the owner, occupant, or other person in charge of premises, upon presentation of proper identification by the inspector, shall allow the inspector to enter and have free access to every part of the premises. ~~If access is refused, the inspector may apply for an administrative search warrant to gain access. The Dayton Police Department shall assist the inspector in preparing the administrative search warrant and presenting it to a court of appropriate jurisdiction to secure issuance of the warrant. If an owner refuses to allow an inspection, the inspector shall provide to the owner a notice of pre-inspection rights, which shall include information that the owner is entitled to a pre-compliance review of the inspection by the Dayton Code Enforcement Board (“Board”), which shall determine the purpose, scope, and propriety of the inspection.~~

(1) The notice of pre-inspection rights shall be:

(a) Posted at the premises, building, or structure; and
(b) Sent via regular U.S. Mail to the owner's address of record with the Campbell County Property Valuation Administrator's office.

(2) Pre-compliance review procedure:

(a) Within 14 days after the date of posting and/or mailing the notice of pre-inspection rights, whichever is later, the owner must provide to the Board, in writing and submitted to the Dayton City Clerk, a request asking the Board to review the purpose, scope, and propriety of the inspection, along with all reasons why the inspection should not take place, and the request shall include the owner's correct and complete mailing address if that address is different than the address of record;

(b) Where the owner does not provide a written review request to the Board within the fourteen-day period, the owner shall be deemed to have waived the right to pre-compliance review of the inspection;

(c) When a Board receives a review request from an owner for pre-compliance review of an inspection, the Code Enforcement Department shall provide the Board with a written explanation of its purpose, scope, propriety, and any other reasons for conducting the inspection;

(d) The Board shall review all documents submitted, and within fourteen days after receiving this documentation, shall issue a written determination as to whether the inspection may proceed at a building, premises, or structure, the approved scope of the inspection, the areas to be inspected, and any restrictions on the time when the inspection may be conducted;

(e) The City shall provide the Board's written determination to the Code Enforcement Department and mail it to the owner by regular U.S. Mail to the owner's address of record;

(f) The owner and the Code Enforcement Department shall comply with the written determination of the Board; and

(g) In the event a review request is not timely submitted, or in the event the Board allows an inspection to proceed and the owner does not permit the inspection to proceed, the Code Enforcement Department may issue a citation for noncompliance and the Department, at its discretion, may seek to obtain an administrative warrant for entry to the property for purposes of inspection. The City shall obtain any order of a judge or other officer authorized by statute to issue administrative warrants for this inspection pursuant to Section 10.50 of the Dayton Code of Ordinances.

(E) The procedures contained in Subsection (D) of this section do not apply in any situation that requires immediate inspection of a building, premises, or structure if its condition reasonably constitutes an imminent threat to the public interest, safety, welfare, or otherwise involves exigent circumstances.

~~(FF)~~ No owner or landlord shall retaliate against a tenant for lodging a complaint about his or her rental dwelling unit with the City.

CITY OF DAYTON, KENTUCKY

By: _____
Mayor Ben Baker

ATTEST:

Tristan Klein, City Clerk

First Reading:

Second Reading:

CITY OF DAYTON, KENTUCKY
ORDER/RESOLUTION NO. 2024 #4R

ORDER/RESOLUTION ADOPTING THE
NORTHERN KENTUCKY REGIONAL
HAZARD MITIGATION PLAN, 2024

WHEREAS the City of Dayton recognizes the threat that natural hazards pose to people and property within the City of Dayton; and

WHEREAS the City of Dayton has prepared a multi-hazard mitigation plan, hereby known as the Northern Kentucky Regional Hazard Mitigation Plan, 2024, in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS the Northern Kentucky Regional Hazard Mitigation Plan, 2024 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City of Dayton from the impacts of future hazards and disasters and

WHEREAS adoption by the City of Dayton demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Northern Kentucky Regional Hazard Mitigation Plan, 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF DAYTON, KY, THAT:

Section 1. The City of Dayton adopts the Northern Kentucky Regional Hazard Mitigation Plan, 2024. While content related to the City of Dayton may require revisions to meet the plan approval requirements, changes occurring after adoptions will not require the City of Dayton to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

MAYOR BEN BAKER

ATTEST:

TRISTAN KLEIN
CITY CLERK/TREASURER