

**CITY OF DAYTON, KENTUCKY  
ORDINANCE NO. 2019#2**

**AN ORDINANCE AMENDING CHAPTER 38 OF THE  
CITY CODE OF ORDINANCES TO INCREASE THE  
PAYMENT AND APPEAL DEADLINES FOR CODE  
ENFORCEMENT CITATIONS FROM SEVEN (7) DAYS  
TO TEN (10) DAYS.**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF DAYTON,  
CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I

That Chapter 38 of the City of Dayton Code of Ordinances is amended as follows:

**§38.08 Enforcement Proceedings.**

The following requirements shall govern all enforcement proceedings before the Board:

**(A)** Enforcement proceedings before the Code Enforcement and Nuisance Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer.

**(B)** Except as provided in subsection (c) below, if a Code Enforcement Officer reasonably believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a Notice of Violation to the offender allowing the offender a specified period of time to remedy or abate the violation without fine. If the offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation.

**(C)** Nothing in this Ordinance shall prohibit the City from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

**(D)** The Code Enforcement Officer may issue the citation by:

(1) Personal service to the alleged violator;

(2) Leaving a copy of the citation with any person eighteen (18) years of age or older, who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or

(3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.

**(E)** The citation issued by the Code Enforcement Officer shall contain the following information:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code or the number of the ordinance violated;
- (6) The name of the Code Enforcement Officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (8) The maximum civil fine that may be imposed if the person elects to contest the citation;
- (9) The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
- (10) A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed: (i) the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation; (ii) the determination that a violation committed shall be final; and (iii) deemed to have waived the right to appeal the final order to the District Court.

(F) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation to City Clerk/Treasurer.

(G) The person to whom the citation is issued shall respond to the citation within ~~seven (7)~~ ten (10) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing before the board to contest the citation. If the person fails to respond to the citation within ~~seven (7)~~ ten (10) days, the person shall be deemed to have waived the right to a hearing or appeal and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

Notice of a final order shall be provided to the cited violator by regular first class mail: certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

(H) If the alleged violator does not contest the citation within the time prescribed, the board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation.

Section II

This ordinance shall be in full force and effect from and after its adoption, approval and publication as is required by law.

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

First Reading: Jan. 2, 2019

Second Reading: February 5, 2019



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MAYOR BEN BAKER

ATTEST:



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DONNA LEGER  
CITY CLERK/TREASURER