

BY Mr. Fairchild NO 32158-25

**AN ORDINANCE**

Amending Sections 150.130.3(A)(5), 150.130.7,  
150.130.8(B), 150.130.8(D), and 150.130.9(A)  
of the Revised Code of General Ordinances  
Relating to the Zoning Code.

**WHEREAS**, ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens; and,

**WHEREAS**, Effective, expeditious, and responsible regulation of land requires that the City Commission review and amend certain sections of the Revised Code of General Ordinances relating to the Zoning Code to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices; and,

**WHEREAS**, The City Plan Board, at its January 14, 2025, meeting, in Case PLN2024-00417 recommended approval of amendments to various sections of the Revised Code of General Ordinances relating to the Zoning Code; and,

**WHEREAS**, The Commission of the City of Dayton passed Ordinance 32154-25 on August 6, 2025, which repealed, amended, and enacted various sections of RCGO Chapter 150 relating to the Zoning Code; and,

**WHEREAS**, This Commission has determined that it is in the best interests of the City of Dayton to further amend RCGO Sections 150.130.3, 150.130.7, 150.130.8, and 150.130.9 to reflect additional changes to enforcement of the Zoning Code; now, therefore,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:**

**Section 1.** That Section 150.130.3(A)(5), Powers of Enforcement, is amended to read as follows:

**150.130.5 Powers of Enforcement**

- (5) The Zoning Administrator may file a misdemeanor complaint pursuant to Section 150.130.8, or assess a civil penalty pursuant to Section 150.130.7, or both, against a person who fails to comply with a notice of violation issued pursuant to Section 150.130.6 of this Zoning Code; provided, however, that as to any one person and violation the Zoning Administrator shall not assess a civil penalty following a misdemeanor conviction, nor

shall the Zoning Administrator file a misdemeanor complaint following payment of a civil penalty and correction of the underlying violation.

**Section 2.** That Section 150.130.6(D), Procedure for Notices of Violation, is amended to read as follows:

- (D) Should a notice of violation, or subsequent agreements for timing of compliance as specified above, fail to be complied with, the Zoning Administrator shall pursue civil penalties as specified in Section 150.130.7 or criminal enforcement as specified in Section 150.130.8 below.

**Section 3.** That Section 150.130.7, Civil Penalties, is amended to read as follows:

**150.130.7 Civil Penalties**

Subject to Section 150.130.3, the Zoning Administrator may assess a civil penalty against any person who fails to comply with a notice of violation issued pursuant to section 150.130.6 of this Zoning Code. The purpose of the civil penalty is to fairly and efficiently effect a remediation of the violation. To accomplish this purpose, the Zoning Administrator shall establish and promulgate a schedule of assessed penalties based on the severity of the violation; provided, however, that the maximum civil penalty assessed by the Zoning Administrator pursuant to this section shall not exceed \$1,000.00 per day that has expired after the determined date set for compliance. The Zoning Administrator may assess civil penalties for each day the violation continues.

- (A) The Zoning Administrator shall send a written notice of assessment to a person assessed a civil penalty pursuant to this section. The Zoning Administrator shall send the notice by ordinary mail to the last known address of the person. The notice shall state the total amount assessed against the person based on the schedule of assessed penalties established by the Zoning Administrator. The notice shall also inform the person assessed the civil penalty that the person may appeal the assessment by filing a written notice of appeal with the Director of Planning, Neighborhoods & Development within ten (10) days of the written notice of assessment.
- (B) Once a civil penalty has been assessed, The Director of Planning, Neighborhoods & Development shall hear an appeal filed pursuant to this section within thirty (30) days of receiving the notice of appeal and shall issue a written decision promptly after the hearing. The decision of the Director of Planning, Neighborhoods & Development is final, subject to judicial review.
- (C) In addition to civil fines, a person who causes, whether by neglect or willful action or inaction, an alteration of or environmental change or

demolition affecting a historic landmark or a historic site within a Historic District in violation of this chapter shall be required to restore the structure or property to its appearance as the Landmark Commission may approve. The Preservation Officer has the power to bring actions to enforce this section. This civil remedy is in addition to and not in lieu of a criminal prosecution and penalty or civil prosecution.

- (D) Upon passage of any applicable appeal time, the Director of Planning, Neighborhoods & Development shall send to the Director of Finance for collection any unpaid civil penalty assessed pursuant to this section.

**Section 4.** That Section 150.130.8(B), Misdemeanor Offenses, is amended to read as follows:

**150.130.8 Misdemeanor Offenses**

- (B) Any person who fails to comply with a notice of violation issued pursuant to section 150.130.6 of this Zoning Code is guilty of a misdemeanor of the third degree. No culpable mental state is required to violate a notice issued pursuant to section 150.130.6; it being the express intent of this section to impose strict criminal liability for each violation. Each day a violation continues is a separate offense.

**Section 5.** That Section 150.130.8(D), Misdemeanor Offenses, is amended to read as follows:

- (D) The penalty for any person convicted pursuant to this section is set forth in Section 130.99 of the Revised Code of General Ordinances. In addition, a court may order a person convicted pursuant to this section to correct the violation, if possible, and to make restitution for any property damage caused by the violation.

Whenever the offender has previously been convicted of a violation in Schedule 150.130.8, then a subsequent violation shall constitute a fourth degree misdemeanor, punishable by up to thirty days in jail and a fine up to \$250.00. Whenever the offender has been previously convicted of two or more violations in Schedule 150.130.8, the subsequent violation shall constitute a third degree misdemeanor, punishable by up to sixty days in jail and a fine up to \$500.00.

**Section 6.** That Section 150.130.9(A), Minor Misdemeanor Citation, is amended to read as follows:

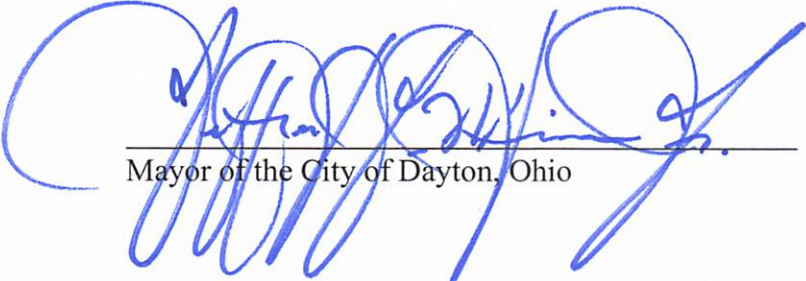
**150.130.9 Minor Misdemeanor Citation**

(A) The Zoning Administrator, and any authorized officer of the City, may issue a minor misdemeanor citation to a person who violates any section of this Zoning Code specified in Schedule 150.130.8 of this Zoning Code.

**Section 7.** That existing Section 150.130.3(A)(5), Section 150.130.6(D), Section 150.130.7, Section 150.130.8(B), Section 150.130.8(D), and Section 150.130.9(A) of the Revised Code of General Ordinances, as previously enacted, are repealed.

PASSED BY THE COMMISSION ..September 17....., 2025

SIGNED BY THE MAYOR .....September 18....., 2025

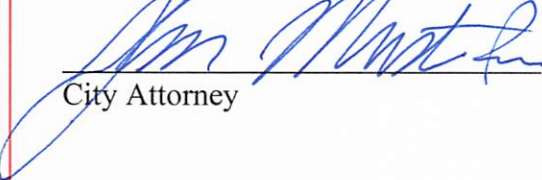


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Mayor of the City of Dayton, Ohio

ATTEST:

  
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Clerk of the Commission

APPROVED AS TO FORM:

  
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City Attorney