

**ORDINANCE NO. 609  
CITY OF DAYTON, OREGON**

**AN ORDINANCE AMENDING CHAPTER 2.10 OF THE DAYTON MUNICIPAL CODE TO  
PROHIBIT SMOKING IN CERTAIN AREAS OF THE CITY OF DAYTON'S COURTHOUSE  
SQUARE PARK**

**WHEREAS**, the City desires to eliminate the occurrence of secondhand smoking around children in Courthouse Square Park; and

**WHEREAS**, the City also desires to reduce potential fire hazards in Courthouse Square Park due to improperly snuffed cigars and cigarettes, particularly in areas where the ground is covered by flammable bark.

**The City of Dayton ordains as follows:**

**Section 1:** The City of Dayton hereby approves the proposed amendments to the Dayton Municipal Code as set forth in Exhibit A.

**Section 2:** This ordinance will be effective thirty (30) days after adoption by the City Council.

Date of first reading: August 1<sup>st</sup> 2011                      In full \_\_\_\_\_ or by title only \_\_\_\_\_

Date of second reading: October 3<sup>rd</sup> 2011                      In full \_\_\_\_\_ or by title only \_\_\_\_\_

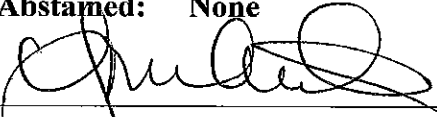
**ADOPTED** this 3<sup>rd</sup> day of October, 2011.

**In Favor:**      **Blackburn, Evers, Frank, Utt, White, Witt**

**Opposed:**      **None**

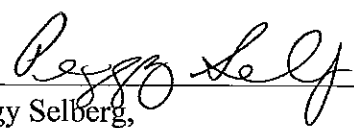
**Absent:**        **Wytoski**

**Abstained:**    **None**

  
\_\_\_\_\_  
Jolie White  
Mayor

10/16/2011  
\_\_\_\_\_  
Date of Signing

**ATTESTED BY:**

  
\_\_\_\_\_  
Peggy Selberg,  
City Recorder

10/3/2011  
\_\_\_\_\_  
Date of Enactment

## EXHIBIT A

Chapter 2.10 of the Dayton Municipal Code is amended as follows with deletions in strikeout and additions in italics:

### **2.10.3 ~~Miller Fountain in~~ *Prohibited Conduct in Courthouse Square Park.***

It is unlawful to do any of the following ~~in the Miller Fountain~~ in Courthouse Square Park:

- (a) Wading, swimming, bathing, or washing clothing, dishes or utensils *in Miller Fountain.*
- (b) Intentionally placing, inserting, or tossing foreign materials into the water and pumping equipment, including but not limited to soap, dyes, live animals/fish, dirt, rocks, etc. *in Miller Fountain.*
- (c) *Smoking or carrying a burning smoking instrument inside the border or within 25 feet of the Children's Play Area. The border of the Children's Play Area is determined by the sidewalks that surround the Children's Play Area.*
- (d) *Smoking or carrying a burning smoking instrument in the designated restrooms.*
- (e) *For the purpose of this section, "smoking instrument" means any cigar, cigarette, pipe or other smoking equipment of any type.*