

**ORDINANCE NO. 596  
CITY OF DAYTON**

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 5 OF THE DAYTON  
MUNICIPAL CODE AND ADDING NEW NUISANCE ACTIVITIES**

**WHEREAS**, Section 5.12 of the Dayton Municipal Code (Code) addresses Businesses or Places Where Patrons, Employees, Residents or Occupants Engage in a Pattern of Unlawful Activities; and

**WHEREAS**, the City desires to update the list of the nuisance activities addressed under this section of the Code; and

**WHEREAS**, Section 5.13 of the Dayton Municipal Code (Code) addresses Uniform Nuisance Abatement Procedure; and

**WHEREAS**, the City Council finds it is in the best interest of the City and its citizens to update Section 5.12 and Section 5.13 of the Code;

**THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

Section 5.12.1(b) shall be amended as follows:

Section 5.12.1 (b)(1) Public drinking of alcohol as defined by Dayton Municipal Code Section 2.15 and/or any alcoholic liquor violation as provided in ORS 471.105-.500

Section 5.12.1(b)(4) Unnecessary noise, as defined by Dayton Municipal Code Section 2.8.

Section 5.12.1(b)(5) Assault (ORS 163.160, 163.165, 163.175 or 163.185

Section 5.12.1(b)(15) Public urination or defecation as defined by Dayton Municipal Code Section 2.11.2

Section 5.12.1(b)(16) Firing or discharging of a firearm as provided in Dayton Municipal Code Section 2.6.1

Add Section 5.12.1(b)(18) Endangering the welfare of a minor as defined in ORS 163.575.

Add Section 5.12.1(b)(19) Offensive littering as defined in ORS 164.805.

Add Section 5.12.1(b)(20) Menacing as defined in ORS 163.190.

Add Section 5.12.1(b)(21) Reckless endangering as defined in ORS 163.195.

Add Section 5.12.1(b)(22) Animal abuse, neglect, abandonment, or fighting, or dog fighting as defined in ORS 167.310 through 167.330.

Section 5.13 shall be amended as follows:

Section 5.13.1(a) **Enforcement Officer.** Unless otherwise stated in the Code, "Enforcement Officer" shall mean the City Manager, his/her designee, or a peace officer.

Section 5.13.4(b) The enforcement officer, city ~~oite~~ employees or contractors assisting the enforcement officer charged with abatement of the nuisance shall have the right at reasonable times to enter into and upon the property in accordance with the law to investigate or cause the removal of a nuisance.

Section 5.13.4(c) The enforcement officer shall keep an accurate record of the expense incurred by the City in physically abating the nuisance, and shall include therein a charge of 25 percent (25%) of the expense for administration overhead.

**Passed and Adopted** by the Council on this 3rd day of May, 2010.

Mode of Enactment:

Date of first reading: 4/5/10 In full \_\_\_\_\_ or by title only

Date of second reading: 5/3/10 In full \_\_\_\_\_ or by title only

No Council member present at the meeting requested that the ordinance be read in full.

A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder not later than one week before the first reading of the Ordinance.

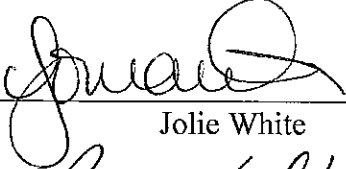
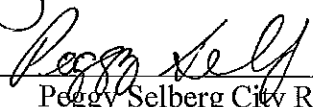
Final Vote:

**In Favor:** **Blackburn, Dickson, Evers, Frank, White**

**Opposed:** **None**

**Abstained:** **None**

**Absent:** **Hensley, Wytoski**

 _____ Jolie White Mayor	<u>6/16/10</u> _____ Date of Signing
 _____ Peggy Selberg City Recorder	<u>5/3/2010</u> _____ Date of Enactment