

**ORDINANCE NO. 654
CITY OF DAYTON, OREGON**

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING DAYTON MUNICIPAL CODE CHAPTER 2 REGARDING DRINKING IN PUBLIC PLACES AND CHAPTER 3 REGARDING DEFINITIONS OF FOOD TRUCKS AND PUSH CARTS AND DECLARING AN EMERGENCY

WHEREAS, on March 21, and June 6, 2022, the City Council considered the information provided by staff in a public meeting and deliberated on the proposed action; and

WHEREAS, local business owners with sidewalk cafes have requested the ability to serve alcohol if permitted or licensed by the State Liquor Control Commission; and

WHEREAS, the City Council reviews all liquor license applications within the City's limits before licenses are issued by the State Liquor Control Commission; and

WHEREAS, the current economic downturn has made it difficult for local businesses and supporting their success is a concern of the Dayton City Council; and

WHEREAS, the City Charter under Chapter IV allows for the adoption of an Ordinance at a single meeting by unanimous approval if the proposed Ordinance is available in writing to the public at least one week before the meeting; and

WHEREAS, three copies of the Ordinance were available for public inspection in the office of the City Recorder starting on June 14, 2022; and

WHEREAS, a public hearing was held on June 21, 2022, allowing for public input; and

WHEREAS, the City desires that these changes go into effect immediately to allow local businesses, who satisfy the permitting and licensing requirements of the State Liquor Control Commission, to provide an additional service to their customers during the summer of 2022.

NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adopts Ordinance 654 with an effective date of June 21, 2022; and

Section 2. The City Council adopts the amendments to Chapters 2 of the Dayton Municipal Code attached as Exhibit A and incorporated by reference herein.

Section 3. The City Council adopts the amendments to Chapters 3 of the Dayton Municipal Code attached as Exhibit B and incorporated by reference herein.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 21st day of June 2022.

Mode of Enactment:

Date of first reading: June 21, 2022 In full _____ or by title only **XX**

Date of second reading: In full _____ or by title only

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

XX 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 no later than one week before the first reading of the Ordinance.

Final Vote:

In Favor: Frank, Holbrook, Mackin, Maguire, Marquez, Sandoval-Perez, Wytoski

Opposed: None

Absent: None

Abstained: None



Mayor Elizabeth Wytoski




Date of Signing

ATTEST



Patty Ringnald, City Recorder



Date of Enactment

EXHIBIT A

CHAPTER TWO

2.15 Open Containers of Alcoholic Beverages in Public Places Prohibited.

- A. No person shall drink or consume any alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- B. No person shall possess any open container of alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- C. Definitions. The term "public place," for the purpose of this section, includes schools, places of amusement, parks, playgrounds, parking lots and premises used in connection with public passenger transportation.
- D. Violation of this provision of the Dayton Municipal Code is a Class B violation.

EXHIBIT B

CHAPTER THREE

3.11.1 Definitions

When not clearly otherwise indicated by the context, the following words and phrases used in this section have the following meanings:

A. "Food Truck" means the sale of food and/or beverages from a mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

1. Residential lemonade stands and similar short-term sales.
2. Food or beverage services associated with private parties on private property where the general public is not invited.

B. "Push Cart" means the sale of food and/or beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of transporting, preparing, processing or converting food for immediate consumption as a walk-up service.

CHAPTER THREE

3.11.1 Definitions

When not clearly otherwise indicated by the context, the following words and phrases used in this section have the following meanings:

A. "Food Truck" means the sale of food and/or ~~non-alcoholic~~ beverages from a mobile unit, which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in or walk-up service. Examples include trailers designed to prepare and serve food, or trucks or vans of sufficient size to properly prepare food with a service window from which to serve food. This definition does not include outdoor barbecue grills, street vendors, or push carts. Exceptions include:

1. Residential lemonade stands and similar short-term sales.
2. Food or beverage services associated with private parties on private property where the general public is not invited.

B. "Push Cart" means the sale of food and/or ~~non-alcoholic~~ beverages from a cart pushed or moved by hand, dolly or other manual method, which is used for the purpose of transporting, preparing, processing or converting food for immediate consumption as a walk-up service.

CHAPTER TWO

2.15 Drinking In Public Places

~~It is unlawful for any person to drink alcoholic liquor upon any street, sidewalk, or other public right-of-way. It is unlawful for any person to have in his or her possession while upon any street, sidewalk, or other public right-of-way any bottle, can or other receptacle containing any alcoholic liquor which has been opened or seal broken or the contents of which have been partially removed.~~

Violation of this provision of the Dayton Municipal Code is a Class B violation.

Chapter 2 Amended Text:

2.15 Open Containers of Alcoholic Beverages in Public Places Prohibited.

- A. No person shall drink or consume any alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- B. No person shall possess any open container of alcoholic beverages in or upon any street, sidewalk, alley, public grounds or other public place unless such place has been licensed for that purpose by the State Liquor Control Commission.
- C. Definitions. The term "public place," for the purpose of this section, includes schools, places of amusement, parks, playgrounds, parking lots and premises used in connection with public passenger transportation.
- D. Violation of this provision of the Dayton Municipal Code is a Class B violation.