

**AGENDA
DAYTON CITY COUNCIL
WORK SESSION**



DATE: MONDAY, MARCH 21, 2022
TIME: 6:30 PM
VIRTUAL: ZOOM MEETING – ORS 192.670/HB 2560

If you would like to attend the meeting virtually, please click the link: <https://us06web.zoom.us/j/89366374504>
to join the webinar or Telephone: 1 720 707-2699 or 1 253 215-8782

Dayton – Rich in History....Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	ROLL CALL	
C.	APPEARANCE OF INTERESTED CITIZENS	

This time is reserved for questions or comments from persons in the audience on any topic.

D.	WORK SESSION ITEMS	
	1. Swearing in of New Councilor	
	2. Dayton High School Student Presentations	1-37
	3. Strategic Plan Goals for FY 22/23 Discussion	38-42
	4. Sidewalk Café Extension Allowing Tables/Chairs in the Public Right-of-Way and Allowing Alcohol to be Served in Public Places for Special Events Discussion	43-63
E.	CITY COUNCIL COMMENTS/CONCERNS	
F.	INFORMATION REPORTS	
	1. City Manager’s Report	
G.	ADJOURN	

Posted: March 17, 2022
Patty Ringnalda, City Recorder

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton AT LEAST 32 WORKING HOURS (4 DAYS) prior to the meeting date in order that appropriate communication assistance can be arranged. The City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

NEXT MEETING DATE
City Council Regular Session, Monday, April 4, 2022
City Council Work/Special Session, Monday, April 18, 2022
Virtually via Zoom & in person – City Hall Annex located at 408 Ferry Street, Dayton, Oregon

Community Improvement Project

Accessible Playground

Courthouse Square Park; 402 Third St, Dayton, Oregon 97114

Mia Mendoza-Locke

5th January, 2022



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Introduction

Courthouse Square Park is Dayton Oregon's town square. It's listed on the National Register of Historical places. There's a Fort called Yamhill Blockhouse, a gift to honor General Joel Palmer, initially built on the Grand Ronde reservation. There's also an ornate fountain and a historic bandstand used in community events for Dayton.

The bandstand was destroyed during the Columbus Day Storm, and rebuilt with generosity, gifts and donations from the citizens in and around Dayton. The park also houses a World War II replica cannon, the original older cannon from WWI was recycled for its metal content. Throughout the years, Courthouse has become a location of family reunitions, class reunions, and community events such as parades, markets, and car shows. It is a valuable gem for downtown.





The Goal and Project Target

The Courthouse Square park needs to be updated to become more accessible and inclusive so that all kids can access playground equipment and benefit from our public spaces.

- An accessible playground allows children of any ability level to access and use equipment. It also allows caregivers, parents, or older siblings with disabilities on to the play area to supervise or take part in the fun.

An accessible playground helps:

- **Helping kids gain understanding:** All kids gain a better understanding of the world around them and learn to appreciate and accept differences and similarities. They learn new perspectives and can develop empathy.
- **Create a stimulating environment:** It offers a wide variety of inclusive activities from a range of sensory stimulating activities to equipment that challenge their physical abilities so all kids can grow.
- **Help kids build self-esteem:** Kids develop a sense of identity and boost their confidence as they play with their peers.
- **Help families spend time together**
- **Build a better future:** Teaches kids to value equity and fairness to positively change the community for the future.



Project Guidelines

In evaluating the current playground, I looked at the current level of accessibility. Some of the biggest issues are the surfacing and equipment. Currently the playground is surfaced with wood chips which can be:

- **A Fire Hazard:** Mulch and wood chips are decomposing and generating high temperatures. Large enough piles may create sufficient heat to combust. Wood surfacing can also be ignited from discarded cigarettes or lighters.
- **Non-accessible:** Wood chips need to be raked at least weekly to keep an even distribution for children with disabilities, especially those in wheelchairs, to safely travel between equipment pieces.
- **A cover for litter and other dangerous objects:** Loose chips can easily hide sharp rocks, broken glass, cigarette buds, needles, and other dangerous objects that can injure a child. Wood chips can also create injury from a rough landing, splinters, and can be thrown between children, creating additional risk.

Burke Tiles from Buell Recreation would solve all of these problems. They are eco-friendly, easy to install, simple to maintain, durable and provide dependable protection from serious injuries such as a fall. This would create an accessible surface.

Another change I would like to request is accessible equipment such as a wheelchair accessible merry-go-round like the one produced by terraboundsolutions.





Timeline

Setting a budget is important for this project. We don't have to spend a lot of money changing the playground with lots of equipment. We can start by just resurfacing. Our park isn't huge and we don't need to expand due to our town being small, but it's still important to make an accessible playground for the children of Dayton. Maybe we could request crowdfunding or seek grants for the merry-go-round.

This project depends on the city council's priorities and requires city budgeting and project management. If approved by the city council, the project can start this year.



Budget and Funding

The estimated cost for resurfacing \$50,000. Burke has a complete and up-to-date database of federal, state and private foundation grants available to schools and non-profit organizations, including those with religious affiliations listed in eight categories:

- After-school
- At risk/character
- Community involvement/Volunteerism
- Early childhood
- General Education
- Health/PE
- Family services
- Facilities/maintenances

For more information on these grants, you can contact your Burke representative by calling 800-266-1250 or finding your local representative near you.

Another way to provide money is the Free Playground Fundraising program, it's called the Burke Funds for fun play kit. During their analysis, they discovered that people would rather give a monetary donation to an exciting new playground than purchase unwanted things.

Step-by-step guide projection

1. Proposing and approve plans through the city council

Dayton's City Council meets are on the first Monday of every month, I'd present my project to them on this date

2. Apply for Grants and free playground fundraising program

Find a grant the helps best with funding the playground and receive funds from the community in the free playground fundraising program

3. Contact Buell Recreation representatives about timeline, budget and set up dates

Contacting 7327 SW Barnes Rd. #601 Portland, OR 97225 US, [503-922-1650](tel:503-922-1650)

about project because they representatives in the county of Buell Recreation and set official dates

4. Resurfacing can begin

With the money raised and workers found, the project can be begin

5. Playground resurfaced and ramp placed

Park will be closed due to construction. The wood chips would be removed and replaced with new Burke tiles, ramp will be placed on one side of the stairs leading up the slides

6. Playground finished

Once the playground is finished and ready, the park will be open and kids can play again - all kids this time.

Resources used

- <https://grassmatsusa.com/protect-children-from-nasty-playground-surprises/#:~:text=Loose%20playground%20surfaces%20such%20as,a%20pleasant%2C%20grass%20surface%20instead%3F>
- <https://www.rubbercal.com/rubber-flooring/playground-surfaces/>
- <https://www.hudexchange.info/programs/>
- <https://playworld.com/blog/how-to-make-an-existing-playground-inclusive-on-a-budget/>
- <https://www.miracle-recreation.com/blog/making-playgrounds-accessible-inclusive-for-all/#:~:text=The%20playground%20must%20include%20at,that%20has%20me,t%20ADA%20criteria.>
- <https://www.rubcorp.com/inclusive-accessible-playground-for-kids/>
- <https://www.miracle-recreation.com/funding/>
- <https://www.buellrecreation.com/>
- <https://www.bciburke.com/resources/playground-funding-resources/funds-for-fun>
- <https://www.bciburke.com/resources/playground-funding-resources/playground-grants>



Community Improvement Project

Road Improvement

— Michelle Sanchez
January 28th, 2022



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The Goal

The goal of road improvement is to improve the PCI but it is also to maintain a good visual impression. A detailed visual inspection was performed on the 8.27 centerline miles of roads that belong to the city of Dayton and the PCI levels were calculated to 60 which on a scale of 0-100 would be considered 'fair'. This is the reason we have to improve the roads of our town's road conditions, to have 'good' roads the PCI level has to be 70 or higher, the goal of my plan is to have the roads have a PCI level of 85.





Project Target

Improving roads is about building healthy and strong communities. If the roads were improved, then we can create a more livable community. The townspeople will also be proud to say that they live in a town that has good quality roads. Improving town roads will improve the living conditions as well, also improving physical accessibility. Roads make crucial contributions to economic development and growth it also introduces important social benefits. Poorly maintained roads lead up to mobility constraints, significantly raised vehicle operating costs, increase accident rates, aggravate isolation. Roads make crucial contributions to development and growth. Postponing road maintenance results in high direct and indirect costs. If the roads are repaired quickly then the cost isn't as much but if the roads are left the way they are then some roads sections may fail completely, making repair cost three times or even more costly than the original price. Neglecting to maintain roads makes the roads steadily more difficult to use. As I have stated the goal is to maintain and repair the current street, but this doesn't limit unpaved roads and making complete road repairs of heavily damaged roads if it is necessary. The city consists of 8.27 centerline miles of streets and all of them together average a PCI of 60, this is where the plan that I have found will come into play.

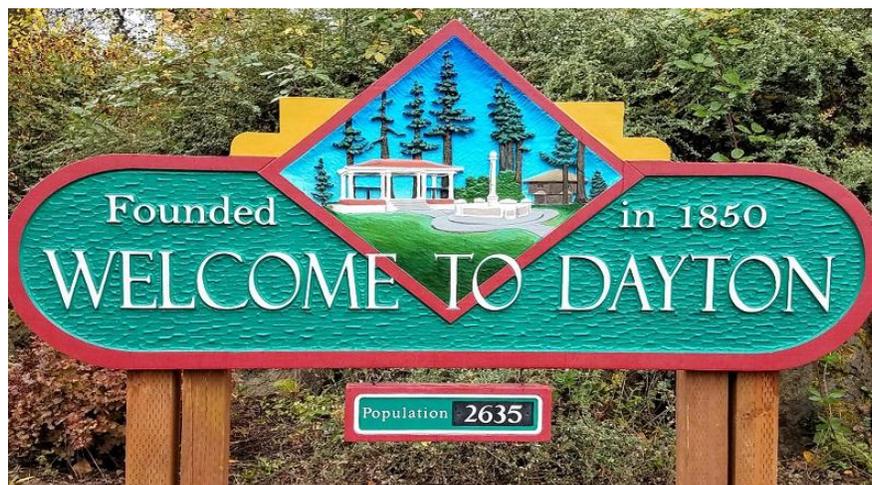


Project Guidelines

What I am planning on doing during the process of this project is to start the roads that only need minimal repair once that is over then comes fair condition streets, then poor, and then move on to very poor condition roads. To not restrict traffic flow, the improvements should be done in sections and should be done throughout the day since people are going to be at work and at school so there isn't going to be so much traffic. The hours that I believe would be most convenient and would produce less traffic is from 8 a.m. to around 3:30 p.m. - 4:00 p.m. so that there will be more time to fix the roads. The maintenance of the roads is something that is going to have to be done at least every five years of its completion. The project in general will take about 5 years to complete. The company that will be working on this project is Capital Asset and Pavement Services. This was the company that made an estimate on the Pavement Management Budget Options Report slides. There is also the ODOT that will give a grant of about \$100,000, there is the OMSRG grant, and also the SHPO grant that is for any main street networks there is. There is also a community grant application that is also available to apply.

Timeline

The first thing that has to be done is to have this project presented and approved by the council of representatives of Dayton once it is accepted we can start to apply for ODOT the time that it takes to get the ODOT grant all depends on when we apply, there are also other grants that we are going to need to apply to such as ARTS that is part of the ODOT, The SCA that is for cities with a population of fewer than 5,000 residents, there is also the SFLP grant that is also available to apply to, OMSRG grant, SHPO grant, and there is a community grant application that you can submit your project proposal and they decide if it is worth funding. After applying and hopefully receiving the grant money, we can start to contact the company that is going to do the pavement, the company chosen is Capitol Asset and Pavement services, after the pavement company is contracted then the five-year project can begin. Starting with the first year of improvements on the roads that are considered 'very poor' roads according to the PCI scale, and then from their work up until we get to the 'good' roads that only need some touch-ups keeping their PCI 'good'.



Step-by-step Planning

1. Propose and approve plans through the city.

The First thing that I have to do is present this project to the Dayton city council to have the approval of starting this project.

Then I have to discuss if the budget is something that they do want to fund or if there are things that they would like to change.

I also have to discuss if they want to improve all the roads or do they want to just focus on specific roads and sections.

2. Apply/contact ODOT and apply for other grants.

What is the second thing that is going to be needed to be done is to contact the ODOT to see if the project qualifies for the grant, then there is the need to apply and contact the representatives of those grants if there are any questions that need to be answered.

3. Contact pavement company

To contact the pavement company through their company website, address, phone/fax, or through their email. (mailing 204 N 1st St, suite C Silverton, OR 97381) (Phone: (503) 689-1330, Fax: (503) 689-14440) (email: sales@capitolasset.net).

4. Receive funds and set official timeline dates.

Funding is described below

5. Pavement starts



The first year of pavement will start and if things go as planned the budget of \$1,668,148 will stay the same so that going into the next year the next \$559,844 will not have to be changed. The first roads that I want to start with are the roads that are of very poor standards so that way the biggest part of the budget can go into funding the most costly part of the project.

6. The next two years

In the next two years, the \$1,275,258 and \$286,538 will go toward the poor and fair conditioned roads since they are the second biggest projects that need to be fixed, and if there is money that was left from the last two years it could go into funding one of these two years.

7. The last year

The last year is going to be \$ 1,509,868 (expected) then it can go into repairing small potholes and cracks that are in the good roads, and if the city council decides that they don't want to do this then they can divide the last amount of money between the last four years.

8. Road work begins, and traffic temporarily increased.

While the road is being repaired during the scheduled time there are going to have detours made but I believe that the people will be proud of being in a community that has new nice smooth roads that they won't mind having to take a detour to get to their destination. There will also be an increase in traffic inroads that are used often, so this is why starting with the most used roads is a good idea as well.



9. Re-applying for grants

Every year that the project is going through it is a good idea to keep applying to the same grants or to apply to new grants that keep coming/popping up because those can also help lower expenses.

10. Completion of project

If all went according to how the project was designed then by the end of the fifth year all the streets must be done and completed. These new road improvements will make the streets and living conditions around the city easier since it will make things more accessible and it will be easier to travel on as well.



Budget and Funding

The budget for this five-year plan is about \$5,299,656 according to the estimates that the budget street management slides stated. There is a plan to split the total of this cost between five years, in the first year of the project the total funding will be \$1,668,148, and in the second year it will be \$559,844, and just by doing this, our roads will have improved the PCI and will ultimately raise to 72 which is considered 'good'. In the third year, the spending will be \$1,275,258, in the fourth year, it will be \$286,538 the PCI will have leveled to 78 with the improvements done in those two years, in the fifth year the spending will be \$1,509,868 and it will raise the PCI to 85, and as I have stated 85 is the road PCI goal. To repair 'very poor condition roads would cost about \$120 - \$135/sq yd, for 'poor' roads it will cost about \$12 - \$14/sq yds, for 'fair' street conditions it cost about \$2 - \$12/sq yds, and for 'good' condition road cost it would cost \$2 square yards, the reason I put this in is that I believe that these are pretty reasonable prices and this is going to help get a better visual of price arrangements if needed thought the duration of the project. The way that the price can be managed is by applying to grants, there are plenty of grants out there that can help and support this project I have found some that I would like to point out, a lot of these grants are associated with ODOT there is the ARTS grant, SCA grant, OMSRG grant, SHPO grant, the SFLP grant and the city of Dayton is will to provide \$175,000. These grants can also be applied to every year. I



have also found a community grant where you submit your project ideas and they decide whether your project is worth funding.



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Community Improvement Plan



Language Classes

English and Spanish Language Classes

Yajaira Milian-Vargas

January 5, 2022



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The Goal

The goal of introducing language classes to our community is to help overcome the language barrier. We live in a community where the two most spoken languages are English and Spanish, and although there is a good amount of bilingual people, we still lack that large margin of people. This is an issue in our community, and it's something that needs to be addressed and changed. If we were to offer language classes, there would be a deeper connection between our different groups in the community. We could also solve situations of feeling uncomfortable, scared, or embarrassed because one person may not know the language. For example, if someone who only speaks Spanish goes into a restaurant where the workers only speak English, the Spanish speaker may feel uncomfortable and may feel that they do not have the ability to order what they want without miscommunication. This is a situation that I as a resident of Dayton see a lot of, and at different businesses as well. Another situation where there is a language barrier is when there are parent-teacher conferences. The Dayton School District has a good amount of students who are fluent Spanish and English speakers, however their parents are dominantly Spanish speakers. When the time comes for parent-teacher conferences, Spanish speaking parents may feel uncomfortable due to the fact that they do not speak English and they may miss out on the opportunity to fully understand how their student is doing in school. Although the school offers translators, there are not enough, and a parent would feel much more comfortable and secure if they themselves spoke English in order to communicate with teachers. As a community, we can overcome this problem and strive for a deeper connection in our town. This would also be a no-cost class.



Project Guidelines

Some of the biggest issues that could make planning these classes tough are space, money, volunteers and time. It is well known that almost everyone has a busy schedule, whether it be because of school, work, or family obligations. With the knowledge that participants may not be able to attend a class if it is during a time that they are busy, we should create a survey to see when our participants would be available to attend. Adjusting the class hours to accommodate the needs of our participants is essential because these classes are for the benefit of them and the community. After getting the results from the survey the organization can build up an official schedule. These classes would most likely be offered two different times a day, and two days a week.

As for the space aspect of this project, a great space for these classes would be the Palmer Creek Lodge. It is a great space because it has enough room for the classes, it already has chairs and tables. The only supplies that would be needed are white boards and markers. The organizers would also need to check the community calendar to make sure that this space is not occupied, and if it is, they could choose different days to work around it.

The money and volunteer aspects go hand in hand in this project. One idea is to offer internships to college students who are fluent in both languages. This offers opportunities to students who need this experience for their career, or simply because they want to be a part of the change in our community. They could earn credit and get experience with providing instruction.



Timeline

This timeline depends on the survey results, the hiring process interns, and the availability of the Palmer Creek Lodge. If we send out flyers through the post office to promote these classes and use the city app to promote the survey, we should get results within a few weeks. With the results of what hours work best, we then look at availability of the Palmer Creek Lodge. Then we can start to look into possible interns, and give them an official schedule of what their hours would look like. The hiring process would take about a couple weeks. It gives us time to look at all kinds of candidates and choose an official team. The team would be made up of a total of 4 interns and a coordinator.



Step by Step Planning

1. **Show and present proposal to the city** - Show this template to the city council at a city council meeting, held the first Monday of each month.
2. **Get approval from the city council** - Once given the green light, getting the word out can get started
3. **Start gathering participants** - Send out a flyer with the link to a Google Form survey to ask about availability hours, this flyer can also be returned to the post office with a response
4. **Start building an official class schedule** - After getting responses from the community, build a schedule with what works best for participants as well as Palmer Creek Lodge availability
5. **Look for interns** - Send out emails to local colleges/universities and promote the internship position to students
6. **Hiring process** - The hiring committee (consisting of person in charge of the organization, mayor, city manager, and a city councilor), will hold interviews to look for 4 interns to fill these positions.
7. **Hire interns** - Hire 4 interns to work these classes and teach
8. **Send out official schedule** - Send the official schedule to participants
9. **Start classes** - begin the language classes



Budget & Funding

The budget for these classes would be roughly \$1,500. This would give enough money to buy supplies such as white boards, dry erase markers, notebooks, pencils, etc. The location has no cost because it could be waived by the city, and interns would not be paid. Funding would come from donations from the community. If the donations do not reach the goal, then a fundraiser would be organized. This fundraiser could be a car wash or a selling tamales fundraiser. This is a low cost project, and it would have a big and positive impact on the community. This has the potential to offer internships and help students gain experience as well as help overcome the language barrier in our community.

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Community Improvement Project

Alderman Dog Park Improvements

Alderman Dog Park, Dayton Oregon

Annabelle Tate

28th, January 2022

The Goal

The Alderman Dog Park in Dayton, Oregon has been in need of an upgrade for a long time. The Alderman dog park is not safe for some dogs because of its unfinished fencing. Its fencing hasn't been finished so puppies, dogs in training, deaf dogs, and others may leave the park. They can become lost, injured, or cause stress for nearby residents. My goal is to get the fencing finished and also add some upgrades to the dog park that would improve its utility.

This project will make the dog park not only safer but also more valuable to the community. This will make the park a more lively place for dogs and dog people.





The Project Targets

Some people in the community are not even aware that they have a dog park here in town. This is why it's so important to invest in and develop this space. It gives the community a place to go for their dogs, encourages walking and activity for their owners, and gets people outside for a breath of fresh air.

There are many benefits to having the dog park improved. If the dog park were fenced, dogs could be allowed to run harder and get all of their energy out. This could make the dogs less disruptive in neighborhoods and reduce barking and "at-loose" complaints. Dogs would also be getting some good exercise as well, reducing the cost of ownership by reducing negative health conditions. This also gives dogs and people in our community a chance to socialize and interact with one another which increases civility.

Dog parks also promote safety, because pet owners don't have to walk near highways and streets to get out with their dogs. This also allows the dogs some time to roam around without a leash, which pet owners have noticed that dogs have less troublesome behavior after being able to roam around in the park for a bit.



Project Guidelines

With a fully developed dog park, the space will attract positive use which reduces the likelihood of negative or illegal behavior occurring in the space. The park should be fully fenced with a double fence entry. Agility components should be added so dogs can play and train. It should also have a water pump so that dogs can get a drink after playing in the park. The surface should be graded or leveled, and the park should be checked annually significant holes and dangerous spots should be releveled. There should be benches for owners to rest and watch their pups play. And there should be rules clearly posted, banning aggressive dogs, sick dogs, food, etc and requiring dogs to be vaccinated, free of fleas, and reminding owners to promptly clean up waste.

The biggest issues are likely to be funding, timing, and accessibility. The footbridge is the primary access to the park and with that down, parking is an issue and many residents are not sure how to get to the park. New signage directing drivers from the highway to the park may help with location. But the ideal timing of the project would be to reopen the park immediately after reopening the bridge so people can have easier access. Funding is harder but there are grants available like the Doris Day Animal Foundation, PetSafe Bark for Your Park, Beneful Dream Dog Park Fund, and the Nutro Room to Run grant. The city could also set aside money from park funds.

The timing of this project depends on the City Council. While some people may think that fixing a dog park is not that important compared to other projects, this is a priority for livability. Park development promotes community connection, health, and reduces negative behavior by encouraging positive behavior on public lands. This is also more important now than ever before because parks provide an outdoor place to connect with family and friends (and their pets!) following an extended period of disconnect and often isolation. Investments in parks are investments in mental health.





Step-by-step Projection

1. Propose and approve plans through the city council

Dayton's City Council meets on the first Monday of each month, this is where I would first present my project.

2. Support the City in identifying grant funds

Grants identified above

3. Create a Master Plan including all potential improvements

City Council should approve the plan

4. Apply for funds

Support City Manager and Council in competing for available funding

5. Construction

Contractors and City Public Works will collaborate to complete the project, install new components, and finish the fencing

6. Park reopens!

Advertisements, signage, and app notifications should be used to tell the public



Budgeting and Funding

This project may cost about \$120,000. The City should apply any park funds to this park, the City should compete for the mentioned grants, and as a partner, community groups could crowdfund the balance and spread awareness with photos and videos via TikTok, Instagram, Snapchat, and Facebook.

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To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: FY2022-2023 Strategic Goals Review/Update
Date: March 21, 2022

Background

I have included an update to each of our Priority 1 objectives for the current Fiscal Year. After that, I have provided a few adjustments and discussion points for some of our other objectives. Adjustments and discussion points are in red.

PRIORITY 1's to accomplish in FY 2021-22

- **Complete Sidewalk Improvements on Ferry Street – 9th to Flower Lane**
 - *We are close to bidding out this project. Expected completion deadline is 12/31/22 although we hope this will be completed in October/November.*

- **Develop five-year plan consisting of finance strategy, design, and construction for the building of new City Hall and Library in 3-5 years.**
 - *Researching City Hall Annex as possible new City Hall. This would require seismically upgrading the building. Completed seismic study and have applied for a Business Oregon Seismic Retrofit grant (Annex serves as our Emergency Operations Center). If it does not qualify/awarded, then we will research additional grant opportunities.*

- **Evaluate funding models for establishing Pavement Management Program.**
 - *Research Phase*

- **Begin design of HWY 221 Lift Station.**
 - *This project has been funded with the city's ARPA allotment (\$511k) and a Yamhill County ARPA grant (\$511k). Design is in process and this project will be completed in the next 18 months.*

- **Adopt prioritized list of sewer line replacements to be completed on annual basis (3-4 blocks at a time).**
 - *Research Phase – other infrastructure projects are taking priority.*

- **Develop Request for Proposals (RFP) for Dayton Village property as affordable housing.**
 - *Due to Covid's effect on lumber prices, this was delayed until the fall of 2021. I am hoping to complete this in May/June of 2022.*

- **Develop a strategy and complete land zoning analysis for an urban growth boundary swap for residential property.**
 - *The UGB swap is heading into the approval phase with the City Council reviewing the comprehensive plan amendment and holding a public hearing on April 18, 2022. Yamhill County Commissioners will review on May 5, 2022.*

- **Establish a Mural Policy to acquire murals as public art (similar to the City of Salem’s program).**
 - *Research Phase*

- **Research Brownfield’s Integrated Planning Grant for Economic Development.**
 - *Research Phase*

- **Set up Site Visit/Video of Country Heritage Estates Phase 2 pedestrian/bike trail with wayfinding signs.**
 - *Covid delayed this site visit. Will need to schedule in the summer when the trail is accessible via vehicle and not muddy.*

- **Establish an Emergency Operations Response Team partnering with the Dayton School District**
 - *Hoping to have this completed in the next 2-3 months.*

Strategic Plan Goals 2022-2023

Priority Ratings:

- 1 – Begin/Budget in the next fiscal year
- 2 – Accomplish/Budget for in 2-3 years
- 3 – Accomplish/Budget for in 3-5 years
- 4 – Routine – Ongoing from year to year

Goal A – Develop and maintain resilient infrastructure to support operations and meet growth.

OBJECTIVE	PRIORITY
Complete Sidewalk Improvements on Ferry Street – 9 th to Flower Lane.	1
Develop five-year plan consisting of finance strategy, design, and construction for the building of new City Hall and Library in 3-5 years.	1
Evaluate funding models for establishing Pavement Management Program.	1
Begin design of HWY 221 Lift Station. Complete HWY 221 Lift Station.	1-2
Adopt prioritized list of sewer line replacements to be completed on annual basis (3-4 blocks at a time).	2
Design and permitting on utility bridge with infrastructure upgrades.	2
Complete construction of a steel truss bridge main span replacement with infrastructure upgrades.	2 -2
Create framework for resiliency plan.	2
Add aeration to Sewer Ponds 1 and 32 .	3
Update Water Master Plan in next 5 years.	3
Update Wastewater Master Plan in next 5 years.	3
Obtain funding for replacing the water system main transmission line from Springs to the Footbridge.	3
Complete feasibility study for Fisher Farms Wells intertie in 3-5 years. Acquire Funding for Fisher Farms Well Tie-In in 3-5 years.	3
Make sewer system improvements consistent with DEQ's MAO.	4

Goal B – Create a livable community that is aesthetically pleasing, affordable, inviting, and with a vibrant and diverse economy.

OBJECTIVE	PRIORITY
Develop Request for Proposals (RFP) for Dayton Village property as affordable housing.	1
Develop a strategy and complete land zoning analysis for an urban growth boundary swap for residential property.	1
Establish a Mural Policy to acquire murals as public art (similar to the City of Salem's program).	1
Research Brownfield's Integrated Planning Grant for Economic Development.	1
Establish a 50/50 Sidewalk Program for Dayton Residents	1
Establish a Transient Lodging Tax Revenue Plan.	3
Coordinate Wayfinding/Tourism Signage.	3
Update the Dayton Municipal Code	4
Continue Yard of the Month/Mayor's Beautification Program.	4
Continue Holiday Lights Competition.	4

Goal C – Capitalize on Dayton’s facilities and resources to provide recreational and cultural opportunities.

OBJECTIVE	PRIORITY
Set up Site Visit/Video of Country Heritage Estates Phase 2 pedestrian/bike trail with wayfinding signs.	1
Develop strategy for ownership of the County’s Dayton Landing Park and boat ramp.	2
Acquire other half of Legion Field for development of a recreational facility.	2

Goal D – Use Dayton’s heritage and historic resources to forward our image as an authentic and charming town.

OBJECTIVE	PRIORITY
Promote Friday Nights and Old Timers Weekend.	4
Research the possibility of a cell phone app for a historic tour or in a downloadable format.	4

Goal E – Engage in efficient and effective activities to promote community safety and wellness.

OBJECTIVE	PRIORITY
Establish an Emergency Operations Response Team partnering with the Dayton School District.	1

Goal F – Enhance communications to actively engage the community.

OBJECTIVE	PRIORITY
<u>Migrate over to daytonoregon.gov from ci.dayton.or.us</u>	<u>1</u>
Form Youth Advisory Council Pilot Program.	2
Complete annual city survey.	4
Coordinate communication with community groups.	4

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Sidewalk Café Extension Allowing Tables/Chairs in the Public Right of Way and Allowing Alcohol to be Served In Public Places for Special Events
Date: March 21, 2022

History/Background

Mayor Wytoski asked staff to research the possibility of allowing businesses/sidewalk cafes to extend their seating area into the parking strip. Additionally, to research the parking strip restrictions in ODOT right of way which would pertain to Ferry Street between 3rd and 4th. Along with this, to research allowing alcohol to be served in public places for special events.

In 2019, the property owner of 306 Ferry Street requested a sidewalk café permit to allow tables and chairs to be placed on the sidewalk in front of their business. Due to ADA requirements of no more than a 2% grade on any accessway, the walkway would need to be located away from the building (grade increases closer you get to the face of the building). This is the only area around the park where the sidewalk has a greater than 2% grade. This would cause tables and chairs to be placed close to the business and more tables closer to the curb with an ADA walkway in the middle. The business owner did not find this to be a favorable set up for an outdoor extension. Also, if alcohol is being allowed, this design most likely would not be approved by OLCC's requirements to prevent minors' access to alcohol or areas prohibited to minors. (*Putting the walkway towards the curb would not work as the planting strip has trees which would block access.*) Could the parking strip be sectioned off and allow the setting of tables and chairs in this area to provide adequate space for the ADA walkway on the sidewalk.

As you know, Ferry Street and 3rd Street are ODOT right of way meaning they control the roadway from curb to curb. We contacted our permit specialist to inquire if they would allow tables and chairs to be set up in the parking strip on Ferry Street between 3rd and 4th. Their response is that this would not be a permitted use. However, the parking strip could be used for pedestrian access. This would allow the sidewalk to be used for tables and chairs and pedestrians could be rerouted down off the sidewalk into the parking strip and then back up onto the sidewalk. We would need to provide ramps on both sides for wheelchair access off and on the sidewalk. This would also apply to any businesses on 3rd street. Main Street and 4th Street are not ODOT right of way, so tables and chairs could be allowed in the parking strip if the Council wanted.

Staff contacted 6 cities in our area to see if they allow tables and chairs in the parking strip and whether they allow alcohol to be served in public places. Carlton, Dundee, Lafayette, McMinnville, Newberg and Forest Grove's information are on the next page.

Regarding alcohol being served in public places, Dayton Municipal Code currently states:

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.

In reviewing the researched data from the 6 cities (see attached) Forest Grove's program seems to be the most developed. We have included their flyer and code for your reference. During the pandemic, through a Location Permit, they allowed tables and chairs to be placed in the parking strip along their public roads (that are not ODOT right of way). Now that the OHA guidance has changed regarding Covid-19, they have moved to a Parking Stall Program (flyer attached) that allows for seating in the parking strip on a more permanent basis. Tables and chairs are still allowed on the sidewalks using a Small Business Outdoor Expansion Permit.

Forest Grove allows alcohol to be served in public places and defers to OLCC to provide approval for those permits. OLCC mandates that all applications for special events or new liquor licenses must have City approval before they are submitted to OLCC.

Some questions to consider and provide more direction for staff:

- 1) What area will this be allowable?
 - a. CBO? City Limits? Just around Courthouse Square Park? All Parks?
- 2) If sidewalk cafes are going to be allowed to extend into the parking strip, can they put a food truck in the parking strip?
- 3) Would food carts be allowed on the sidewalk?
- 4) If the Council would like to allow alcohol to be served in public places, for what duration? Special events only? Or for a longer period – 3 months during summer for example?

Cities in Yamhill County

Reason: The Serving of Alcohol within the Public Right-of-Way

CITY	Comments
Carlton	Special Event Permit is required for applicants who wish to have events in a City Park. Businesses who are interested in putting tables and chairs in the right-of-way are directed to the City of Carlton's Downtown Design Standards. The serving of alcohol is not allowed upon any street or public place.
Dundee	Tables, Chairs and Alcohol are not permitted within the public right of way.
Lafayette	Outdoor display permit would cover tables and chairs in the right of way - alcohol is not referenced. Sidewalks are not big enough to accomdate tables and chairs in the right of way, therefore they do not have any approved permits.
McMinnville	Fire Dept - approves all Event Permits which are for temporary use of the public right of way. The Downtown Association handles getting the Event Permit - All of the businesses apply together on one form. Alcohol is not regulated by the City, but by OLCC.
Newberg	Newberg Planning Department handles all of their right-of-way permits.
Forest Grove	Permits are issued through their Economic Development Department. They require a Location Permit and they do not sign off on OLCC permit until their permit process is completed. <i>"During COVID the use of parking spaces was allowed for tables and chairs, but has now been cancelled"</i> .

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Grants Pass, OR July 2020

Reopening Communities, Re-envisioning Spaces

Reopening Communities

As communities across the state reopen, the Oregon Department of Transportation is seeking creative and innovative ways to support local communities and local businesses. As the owner of many public roads, we're working with communities to re-envision how to safely use available space during these unprecedented times. With the need for social distancing due to COVID-19, ODOT is partnering with cities to temporarily expand businesses onto sidewalks while keeping pedestrians safe and ensuring responsible stewardship of public funds. ODOT recognizes the diverse needs of communities and businesses across the state — but also recognizes a shared goal to keep the transportation system moving, reopen communities, maintain social distance, and re-envision our public spaces. Under ODOT's Operational Notice MG 14-04, cities may apply for a permit under the Reopening Communities, Re-envisioning Spaces Program.

City-owned Sidewalks Expansion

When a city expands restaurant seating or other business use onto a city owned sidewalk, a permit may be issued to allow sidewalk users to divert onto protected areas of the roadway. Restaurant seating and other private business use cannot occur on a state highway, either in the parking lane or on a state-owned sidewalk. If a city closes a city owned sidewalk to allow for social distancing, temporary closure of parking areas on the state roadway may be used for sidewalk users. Ongoing ADA accessibility and other requirements remain intact, and under a permit issued pursuant to this program are the responsibility of the city.

Re-envisioning Spaces

Knowing that not every city owns the sidewalks where businesses seek expansion or other barriers may exist for using this new process, ODOT also urges cities to think creatively in the use of their existing roadways and public spaces. Using city streets and detouring traffic onto the state highway, using alleys or empty lots near the businesses for additional seating, rerouting pedestrian traffic to the other side of the street, or even changing ownership of sidewalks or streets to a city are all options that may be available.

Together we can reopen our communities, re-envision our spaces, and support a strong and safe Oregon.

Contact: For more information on how this might work in a specific community, city staff are asked to reach out directly to the local ODOT District Manager.

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SMALL BUSINESS OUTDOOR EXPANSION PERMIT



SUPPORTING SMALL BUSINESSES IN FOREST GROVE

To support small businesses in Forest Grove and to aid in social distancing, the City of Forest Grove is expanding their location permit to allow seating and sales in the public parking stall directly in front of their business. This is in addition to the location permit already allowing seating and sales on a

portion of the sidewalk in front of their business, provided the right-of-way is clear and safe for all pedestrians.

Only local and collector streets, i.e. 21st and Main Streets, are eligible for a location permit. Arterials and Highways, i.e., 19th Avenue and Pacific Avenue, are not eligible.



FOREST
GROVE OREGON



A place where families and businesses thrive.



PUBLIC PARKING STALLS

- Business can apply for a Location Permit for outdoor seating or sales in a public street parking stall directly in front of their business. Limit of 1 stall per business.
- The location permit expansion will be allowed June 9 to September 30, 2020.
- Public parking stalls will be permitted between the hours of 5pm to 10pm, Thursday through Sunday. These areas will also be permitted operation on Monday, July 6, and Monday, September 7, from 5pm to 10pm.
- Materials may go into the parking stall on designated days starting at 5pm and must be removed by 10pm. No materials may be in the parking stall outside of the designated days and hours.
- No permanent structure may be erected, and no alteration to the pavement may occur.
- The parking stall must be cleaned after each designated day.
- Business shall be required to use traffic cones to mark the edge of the seating or sales area. Devices other than traffic cones may be approved on a case by case basis. Visible marking tape, commonly yellow in color, must also separate the parking stall from the street.
- Must follow Oregon Health Authority regulations and guidance for the duration of the permit.
- Failure to comply with the above guidelines may result in revocation of the location permit.

If you are interested in providing outdoor dining in a public parking stall on a more permanent basis, please refer to the Downtown Parklet Program at: www.forestgrove-or.gov/urban/page/parklet-pilot-program

APPLICANTS MUST PROVIDE THE FOLLOWING MATERIALS:

- Completed Location Permit application: <https://www.forestgrove-or.gov/engineering/page/location-permit>
- Sketch diagram of where table and seats will be located in the parking stall. Please attach the sketch to the location permit.
- Certificate of Insurance for \$2 million in liability coverage that names the City of Forest Grove as an additional insured.
- There are no fees for a Location Permit.

PLEASE APPLY AS FOLLOWS:

- Drop off hard copy to Department of Engineering, 1928 Council Street, Forest Grove, or
- E-mail Marcey Crowell at mcrowell@forestgrove-or.gov

The Location Permit only applies to public sidewalks and public parking. For private sidewalks and private parking, please contact your landlord.



A place where families and businesses thrive.

1924 Council Street
PO Box 326
Forest Grove, OR 97116
503.992.3293
www.forestgrove-or.gov



PARKLET PILOT PROGRAM



OPEN SPACE FOR PEDESTRIANS IN THE FOREST GROVE TOWN CENTER

Parklets are an innovative and cost-effective way to add public gathering space with such amenities as seating, plantings, and public art in a privately-funded and privately-maintained public space. Parklets are also a method for supporting the downtown business community by creating a more attractive commercial corridor, fostering social engagement, and providing enhancements that contribute to livability and attracting pedestrians.

Parklets are a new concept to many small towns, but they have been successful enhancements to larger cities around the country for several years. The first parklet was conceived and installed in San Francisco, CA in 2010. It is now an annual program there, and has also been initiated in Oregon cities such as Milwaukie, Eugene, Astoria, and Newberg. The Forest Grove program will be among the first in small towns, and is modeled after these successful programs.

URA
Forest Grove
Urban Renewal Agency



PARKLET TYPES

Public use – Public use parklets are available for full-time public use and may not be restricted from public access between the hours of 8am and 10pm.

Private use – Parklets that may be used for the sole benefit of the operator and the operator’s patrons.



FUNDING

Subject to funding availability and appropriation by the URA Board, this program will not exceed \$10,000 during the two year trial period.

Projects will not be reimbursed above the amount spent on parklet materials.

The URA reserves the right to deny any and all applications and to award no grant funding for parklet construction.

Subject to funding availability, the URA will reimburse up to \$2,500 for a private parklet and up to \$5,000 for a public parklet.

APPLICATION PROCESS

Applicants may develop and submit a written application with the required elements to the Community Development Director, Forest Grove City Hall, 1924 Council Street, Forest Grove, OR 97116-0326, beginning May 24, 2019.

Applications will be reviewed and certified for compliance on a first-come, first-serve basis. The City recommends, but does not require, that you work with an architect, designer, or professional engineer during the design of the parklet. This will assist you in the construction and design details.



1924 Council Street
PO Box 326
Forest Grove, OR 97116
503.992.3293
www.forestgrove-or.gov

For complete details on the program, funding guidelines, and application materials, please visit us at www.forestgrove-or.gov/urban

OREGON LIQUOR CONTROL COMMISSION

Special Event Licenses

A special event license allows a business that holds an annual liquor license, an individual, or a group, to sell and serve alcohol at a special event.

TYPES OF SPECIAL EVENT LICENSES

Temporary Sales License (TSL)

This license allows the sale of distilled spirits, malt beverages, wine, and cider for drinking within a licensed area. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Temporary Use of an Annual License

This license allows a Full On-Premises Sales licensee to sell wine, cider, malt beverages, and distilled spirits for consumption at the special event licensed business; or allows a Limited On-Premises Sales licensee to sell wine, cider and malt beverages for consumption at the special event licensed business. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Special Event Winery (SEW) and Special Event Grower (SEG)

The SEW license allows wine, cider, and malt beverages for consumption at the special event licensed business, or in sealed containers for taking off the special event licensed premises. A Grower Sales Privilege licensee is allowed to sell wine and cider for drinking on the special event licensed premise or in sealed containers for taking off the premises. Both license types allow growlers to go.

Special Event Brewery-Public House (SEBPH)

This license allows an Oregon Brewery-Public House Licensee to sell wine, cider and malt beverages for drinking on the special event licensed premises or in sealed containers for taking off of the special event licensed premises. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Special Event Distillery

This license allows an Oregon Distillery Licensee to provide tastings of distilled liquor at a special event licensed business.

FACTORS USED TO ASSESS SPECIAL EVENT LICENSE APPLICATIONS

OLCC staff review special event license applications to: assess the risk for public safety issues; prevent minors' access to alcohol or areas prohibited to minors; evaluate control measures that will prevent problems/violations; and control alcohol consumption by adults.

Minors

Will minors be prohibited from the area with alcohol? If yes, how will the boundaries of the area be identified?

- A room within a building that has permanent walls with a door.
- An outdoor area usually requires a barrier that is of sufficient height, sturdiness, and is not movable. The barrier should allow people to

(continued on back)



The mission of the OLCC is to promote the public interest through the responsible sale and service of alcoholic beverages.



For more information on obtaining a Special Event License, contact your local OLCC office.

OLCC Main Office
9079 SE McLoughlin Blvd.
Portland, OR 97222
Phone: 503-872-5000
Fax: 503-872-5180
Toll free: 800-452-OLCC

www.oregon.gov/OLCC

(01/2016)

enter and exit only through specific points, and prevent alcohol from leaving the area. Two examples of a barrier are a fence and a “moat” system. Such a barrier can be portable (set-up and take-down) but it should not be easily moveable after it is set-up. If the barrier is unable to prevent minors from gaining access to the area or to prevent alcohol from leaving the area, changes to the barrier may be required (such as increasing the height of the fence or the width of the moat).

Will minors and alcohol be allowed together in the same area at the same time? If yes, what are measures the applicant proposes to help prevent minors from obtaining alcohol? Common examples:

- Limit the number of alcoholic drinks one person can have at one time
- Limit the amount of alcohol in one drink
- Have a sufficient level of lighting at all times to monitor patrons
- Have a sufficient number of people at all times to monitor patrons
- Containers used to serve alcoholic beverages are noticeably different from containers used to serve non-alcoholic beverages

Primary Activity

What will be the primary activity in the licensed area? An event that focuses on something other than alcohol consumption is less likely to be at risk for public safety problems. Examples of these types of events include:

- Food service
- Art shows
- Performing arts
- Some sporting events

Lighting

What will the level of lighting be in the licensed area (the area where alcohol will be sold or consumed)? This factor is important even when minors are not present as it allows the applicant’s representatives, OLCC staff, and police officers to monitor the event for compliance with laws and control measures. The most common example is:

- The level of lighting will be sufficient to read common newspaper print.

Size and Expected Attendance

What is the size of the licensed area and what is the projected number of expected attendees per day in the licensed area?

- A large event with a large number of attendees typically will have an increased risk of public safety problems such as minors obtaining alcohol, over-service of alcohol to patrons, and fights.

History of Prior Problems

Does the event or the applicant have a history of prior problems?

- OLCC staff are likely to require a more detailed control plan with an event or from an applicant with a history of having problems.

Hours of Service

What are the hours of alcohol service?

- Typically, events that go past 10PM usually focus on alcohol consumption after that time. Events that focus on alcohol consumption are unsuitable for minors at any time; any time an event goes past 10PM it is especially important to determine the focus of the event.



Special Event Permit – for Use of Public Property

General Information

The use of Public Parks/Property in conjunction with specific events and certain park uses require a special use permit. If your event will include any of the following you will need to apply for and obtain a “Special Use Permit” before reservation of a public park or property can be approved.

- **Food Service** - The preparation, distribution and/or sales of food and beverage items to the general public.
- **Sound Amplification** – The use of any sound amplification device, DJ, band or microphone/speaker, etc.
- **Number of Attendees** – Events with a projected attendance of 75 people or more.
- **Closure of a Public Right-of-way** – Special events that require the closure of a public sidewalk, street or alley.

General Requirements:

Special Use Permits require the naming of an “Events Coordinator”. The Event Coordinator is responsible for obtaining all associated permits, licensing and the enforcement of all rules, requirements and regulations associated with their event, vendors and event attendees.

▪ **Site Plan**

You will be required to provide a site plan for your event, the site plan must show all of the following:

- The area and surrounding right-of-ways and adjacent properties marked and labeled
- The locations of all vendors and/or food service marked and labeled
- The location of all sound amplification (Band, DJ, Microphone and/or speakers) marked and labeled
- Location of all trash receptacles marked and labeled
- Location of all pop up tents, canopies or temporary structures marked and labeled
- Location of all tables & chairs for both vendors and event attendees marked and labeled

▪ **Food Service and/or Food Vendors**

City business registration requirements are waived for approved special events. The Event Coordinator is responsible for listing all of the participating vendor and keeping a copy of each of the following documents, for each food service, in their possession and available at all times during the event. Dayton Municipal code 3.11.2(a).

- A Class I-IV Mobile Food Unit License from Yamhill County Health & Human Services
- Federal or State issued picture identification
- Current Food Handlers permit

▪ **Sound Amplification**

Dayton Municipal Code has certain regulations regarding excessive noise, however exceptions for outdoor community and private events held on public property may be allowed with City Manager Approval.

▪ **Recycle & Trash Receptacles**

Trash receptacles shall be provided on site, and must be emptied and maintained. Receptacles shall be provided at a rate of one receptacle for every food vendor. There are a limited number of trash receptacles on public property or within a park, if your vendor number exceeds the number of trash containers already provided you will need to provide additional containers.

▪ **Use or Closure of Public Right-of-Ways**

Closure a public right-of-way in conjunction with your event, requires an encroachment permit to be submitted with the Special Use Permit. The closure of a State right-of-way or the closure of a City right-of-way connected to a State right-of-way require an ODOT permit.

Insurance

The City of Dayton does not require an insurance certificate for use of a public park, however you may want to protect yourself and your organization. The www.eventhelper.com can help you with providing insurance for your event. The exception to this rule is the closure of public right-of-ways.

Use of Electricity

Some of the structures and features in our public parks have electricity available upon request.

Process

Once an application is deemed complete, it will be reviewed and the Event Coordinator will be notified of approval or denial. The permittee will be responsible for compliance with all requirements and conditions of approval, furthermore, all event staff, participants and vendors are subject to all applicable city, county, and state codes and regulations.



City of Dayton

PO Box 339 - 416 Ferry Street - Dayton OR 97114

PH (503) 864-2221 - Fax (503) 864-2956

Email: cityofdayton@ci.dayton.or.us - Website: www.ci.dayton.or.us

Special Event Permit

For use of: Courthouse Square Park Andrew Smith Park Legion Field
 Public Right-of-Way

PERMIT #: **SEP**

Date Received:

Event Information

Special Event Name:

What is the type or purpose of your event? (be specific)

Date: _____ Start Time: _____ am pm End Time: _____ am pm

Number of people expected to attend the event: _____ Public Event Private Event

Special Event Coordinator Information

Applicant/Special Event Coordinator Name:

Business/Organization Name:

Mailing Address:

City: _____ State: _____ Zip: _____

Phone Number: _____ Alternate Phone Number: _____

Email Address:

I agree to indemnify and hold harmless the City of Dayton against liabilities, judgement, costs and expenses which may in any way accrue against said City in consequence of granting this permit. Furthermore, I understand that I am responsible for all aspects of my event and I agree to abide by all State, County and Municipal required rules and regulations.

Special Event Coordinator Signature: _____ Date: _____

Event Area

Event Location (be specific):

Will any part of your event require use of the Public right-of-way (sidewalk and/or streets)?

Yes No If yes, you will need to apply for an encroachment permit. Please explain:

Will your event require the use of electricity? If so, where?

Music - Sound Amplification

Will there be: Recorded Music/D J Live Band Other Sound Amplification Device

Name of Band/DJ/Other: _____ Phone #: _____

Food Service

Will food and/or Drinks be served: Yes No Will there be a charge for the food? Yes No

How many food vendors will be at your event?

Will any of your food vendors serve food from a push cart or food truck? Yes No

* If yes, you maybe required to submit a Food Truck/Push Cart Vendor Application.

1994 Dayton Municipal Code Dayton, Oregon
CHAPTER 2 – PARK OFFENSES

2.3 **Prohibited Parking.**

2.3.1 **Courthouse Square Park.** No person or entity shall allow a vehicle registered in his or her name to be parked along the west side of 3rd Street, between Main and Ferry Streets; along the north side of Ferry Street, between 3rd and 4th Streets; along the east side of 4th Street, between Main and Ferry Streets; and along the south side of Main Street, between 3rd and 4th Street, for more than two (2) hours. In addition, no person or entity shall allow a vehicle registered in hers or her name to be parked in the two northern most parking spaces along the west side of 3rd Street, between Main and Ferry Streets, for more than half an hour.

2.8 **Noise.**

2.8.1 **Excessive Noise Prohibited.** No person shall cause excessive noise within the City.

2.8.2 **Excessive Noise Defined (Residential & Commercial Zones).** Excessive noise in a Residential or Commercial Zone in violation of this section includes, but is not limited to:

- (a) The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.
 - (b) The use or operation of any vehicle, engine, horn or other signaling device, mechanical device, sound-amplifying device, sound-producing instrument, or any other type of noise that produces any sound than can be heard more than 150 feet from the source during the hours of 7:00 am and 10:30 pm; or 50 feet from the source from 10:30 pm to 7:00 am.
 - (c) The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of 7:00 am and 6:00 pm, except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the City Manager for a period not to exceed ten (10) days. Such permit may be renewed for periods of five (5) days while such emergency continues to exist. The actual owner of property may do work on property actually occupied by him between the hours of 6:00 pm and 10:30 pm without obtaining a permit as herein required.
 - (d) The conducting, operating or maintaining of a commercial garage within 100 feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted there from between the hours of 10:30 pm and 7:00 am.
 - (e) No person shall make, continue, assist in making, or allow:
 - (1) Any unreasonably loud, disturbing, or raucous noise;
 - (2) Any noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of reasonable persons of ordinary sensitivity; or
 - (3) Any noise which is so harsh, prolonged, unnatural in time or place as to occasion unreasonable discomfort to any persons, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business; or
- A) The standard for judging loud, disturbing and unnecessary noises shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration: the proximity of the sound to sleeping facilities, whether residential or commercial; the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived; the time of day or night the sound occurs; the duration of the sound; and whether the sound is recurrent, intermittent, or constant.

- 2.8.3 **Excessive Noise Defined (Industrial Zone).** Excessive noise in an Industrial Zone includes, but is not limited to, sounds discernable outdoors by the human ear more than 150 feet from the source of the sound.
- 2.8.4 **Excessive Noise Defined (Sound Amplification from a Vehicle).** A person commits the offense of causing unreasonable sound amplification from a vehicle if the person operates, or permits the operation of any sound amplification system which is plainly audible outside of a vehicle from 50 or more feet when the vehicle is on a public highway or on premises open to the public, unless that system is being operated to request assistance or warn of a hazardous situation.
- 2.8.4.1 **Definition.** As used in Section 2.8.4, “plainly audible” means any sound for which the information content of that sound is unambiguously communicated to the listener including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal or comprehensive musical rhythms or vocal sounds.
- 2.8.4.2 **Exceptions.** Section 2.8.4 does not apply to:
- a) Emergency vehicles as defined in ORS 801.260;
 - b) Vehicles operated by utilities defined under ORS 757.005, 758.505 or 759.005;
 - c) Audio alarm systems installed in vehicles; or
 - d) Federal communications Commission licensed two-way radio communication systems.
- 2.8.5 **Exception for Significant Outdoor Community Events.** *(Added ORD 638 – Effective 02/02/17)* The City Manager may approve an exception to this section 2.8 of the Dayton Municipal Code for significant outdoor community events. A significant outdoor community event is any planned gathering occurring on public property that is open to the general public wherein there are 100 or more people present. Examples of significant outdoor community events may include, but are not limited to the following:
- a) Parades
 - b) Wedding ceremonies.
 - c) Church/ religious services.
 - d) Concerts
 - e) Festivals/Fairs
 - f) Sponsored Races/Walks
 - g) Car Shows.
- 2.8.5.1 **School Events.** School sporting events or other large school sponsored gatherings that happen on a regularly scheduled basis are approved exceptions to this section 2.8 of the Dayton Municipal Code and do not require additional approval by the City.
- 2.8.6 **Penalty for Violation.** A violation of any provision of Section 2.8 of the Dayton Municipal Code is a Class B violation.
- 2.8.7 **Remedy.** If, after proper notification of a violation of Section 2.8 of the Code, the nuisance is not abated, the City Manager or designee may proceed to abate the nuisance pursuant to the provisions in Section 5.13, Uniform Nuisance Abatement Procedure, or this Code. In addition to the remedies provided by Section 5.13, the City shall have all remedies available to it by law.

2.10 **Public Parks.**

- 2.10.1 **Definition.** For the purposes of this subsection, the following terms shall have the following meaning:
- (a) “Public Park” means real property owned or controlled by the City of Dayton for public recreational use, including, but not limited to, Courthouse Square Park (bounded by Third and Fourth Streets, and Ferry and Main Streets), Andrew Smith Park, and Alderman Park.
 - (b) “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, electronic cigarette, pipe, hookah, plant or any other smoking, tobacco, nicotine, or tobacco-like product or substance in any manner or any form.

- (c) “Tobacco Use” means smoking, chewing, vaping, inhaling, or any other means of ingestion or consumption of any tobacco product.
- (d) “Tobacco” means any tobacco product, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, electronic cigarettes and any other form of tobacco or nicotine product that may be utilized for smoking, chewing, vaping, inhaling, or any other means of ingestion or consumption.

2.10.2 **General Rules of Use.**

- (a) Disorderly conduct, noisy disturbances or disregard for park rules and regulations shall result in removal from the Public Park by authorized city personnel.
- (b) No peddling, soliciting or commercial activities are permitted within a Public Park without prior approval of the City Council or their designee.
- (c) Possession or use of intoxicating beverages within Public Parks is expressly prohibited.
- (d) Park users shall be liable for damages to park grounds or facilities caused by themselves, their children or their pets.
- (e) Firearms, other than those permitted by ORS 166.210, BB guns, air rifles, knives, other than cooking cutlery and pocket knives in the possession of an adult, slingshots or similar objects capable of inflicting bodily harm shall not be allowed in Public Parks except as otherwise permitted by City Council or their designee.
- (f) Smoking and tobacco use is prohibited on and around all Public Parks. This policy does not prohibit use of FDA-approved nicotine replacement therapy products such as nicotine patches, gum and lozenges which are intended to help quit tobacco use and minimize symptoms of nicotine additions.

2.10.3 **Hours.** Public parks are open for the use of the public from 7:00 am until 10:30 pm. No person shall be within a Public Park between 10:30 pm and 7:00 am, except for historical or educational demonstration purposes as determined in advance by City Council.

2.10.4 **Solid Waste Disposal and Fires.**

- (a) No person shall build any fire, including fires to cook food, in a Public Park, except in permanent barbeque stoves or fireplaces maintained by the City, or in propane gas or electric barbecue stoves within 20 feet of the covered eating pavilion located in the northwest corner of Courthouse Square Park, or for historical or educational demonstration purposes as determined in advance by the City Council or their designee.
- (b) Waste disposal fires or uncontained fires of any kind are expressly prohibited.

2.10.5 **Protected Plantings.** No person shall injure or remove any vegetation from Public Parks. Notwithstanding the provisions of Section 5.6 of this Code, no person may affix any placard, bill, advertisement or poster on trees or other plantings within public parks. No person shall damage, remove or penetrate temporary barriers erected in public parks to protest new growth until it is established.

2.10.6 **Vandalism.** No person shall intentionally damage any plant or fixture in a Public Park.

2.10.7 **Prohibited Conduct in Courthouse Square Park.** It is unlawful to do any of the following 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.
- 2.10.8 **Animals.** No person shall permit any animal, belongs to him or her, to be in a public park unless the person is in constant control of the animal's behavior. Pets or other animals allowed to run at large or to create a nuisance shall be removed and the owner cited.
- 2.10.8.1 **Removal of Feces.** The person in control of an animal in a public park is responsible to remove any feces within five minutes of the time they are dropped by the animal.
 - 2.10.8.2 **Horses.** No person shall lead, ride or drive any horse or other animal within any public park except for historical or educational demonstration purposes as determined in advance by the City Council or their designee.
- 2.10.9 **Penalty for Violation.** A violation of any provision of Dayton Municipal Code Section 2.10 is a Class B violation. See Section 2.10.10 for additional measures.
- 2.10.10 **Trespass.** In addition to the other measures provided for violation of this Code, or any of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3), as amended, or any City employee may exclude any person who violates any provision of this Code, any City ordinance, or any of the laws of the State of Oregon from any City park for a period of not more than 30 days.
- (a) Written notice shall be given to any person excluded from any City park. Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning consequences shall be prominently displayed on the notice.
 - (b) A person receiving such notice may appeal to the City Council to have the written notice rescinded or the period shortened. Notwithstanding any other provision of this Code, the appeal shall be filed within 5 days of receipt of the exclusion notice, unless extended by the City Council for good cause shown.
 - (c) An appeal properly filed under (b) automatically stays the exclusion period until the City Council issues a decision on the appeal.
 - (d) At any time within 30 days, a person receiving such notice may apply in writing to the City Manager for a temporary waiver from the effects of the notice for good reason.

