

ORDINANCE NO. 936

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 8, CHAPTER 12, SECTIONS 620 AND 650 RELATING TO PROHIBITING THE USE OF TOBACCO PRODUCTS IN CITY PARKS

WHEREAS, the City of Stayton presently does not prohibit the use of tobacco products in City parks;

WHEREAS, the Marion County Health Department approached the City about prohibiting the use of tobacco products in City parks and it was further recommended for approval by the Parks and Recreation Board;

WHEREAS, it is the City's desire to establish an Ordinance prohibiting the use of tobacco products in City parks; and,

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code 8.12.620 is hereby amended to read:

8.12.620 **DEFINITIONS**

1. **CAMP:** To set up or to remain in or at a campsite.
2. **CAMPSITE:** Any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
3. **PARK:** *Real property owned, managed, or leased by the City of Stayton other than dedicated rights-of-way.*
4. **PUBLIC PROPERTY:** A sidewalk, street, alley, public right-of-way, park, building, structure, or any other publicly owned land or facility.
5. **RECREATION VEHICLE:** A vacation trailer or other vehicular or portable unit which is either self-propelled, carried, or towed by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence. Recreational vehicles also include travel trailers, motorhomes, campers, boats, boat trailers, snowmobiles, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles. Recreational vehicles do not include utility trailers or canopies. (Ord. 711, November, 1992)
6. **POWER CANAL a waterway (Reid Power Canal).** See Stayton Ditch.

7. **STAYTON DITCH a waterway, also known as POWER CANAL or REID POWER CANAL.** The Stayton Ditch is the waterway which flows west from the N. Santiam River dividing the Wilderness Area Park from the Riverfront Park in Stayton. The Stayton Ditch flows from the North Santiam River west to First Ave in Stayton, crossing First Ave flowing back into the N. Santiam River, as illustrated below.
8. **SMOKING:** *Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant or other tobacco or tobacco-like product or substance in any manner or any form.*
9. **TOBACCO PRODUCT:** *Any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may utilized for smoking, chewing, inhalation, or any other means of ingestion.*
10. **TOBACCO USE:** *Smoking, chewing or other ingestion of any tobacco product.*

SECTION 2. Stayton Municipal Code 8.12.650 is hereby amended to read:

8.12.650 PROHIBITED BEHAVIOR IN PUBLIC PARKS, PUBLIC PROPERTY, AND FACILITIES

1. No person shall make, assist in making, continue, or cause to be made any boisterous, disturbing, threatening, abusive, indecent, or obscene language or gestures; or unnecessary noise; or by any other act to breach the public peace; or annoy, disturb, injure, or endanger the comfort, repose, health, safety, welfare, or peace of others while in any park or public facility in accordance with the State Disorderly Conduct laws.
2. No person shall blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or any portion of a public restroom located in any park, or in any place in a public restroom or public facility, excepting directly into the particular fixture provided for that purpose.
3. No person shall do anything that will or could cause damage to the public parks, public property and facilities.
4. *Tobacco use is prohibited at any city-owned parks property.*
5. No person shall enter into, put anything into, or cause anything to end up into the waterway known as the Stayton Ditch.
6. No person shall swim, float, kayak, raft, boat, fish, wade, play in or participate in any similar recreation activity in the Stayton Ditch.

7. The Stayton Ditch may be accessed for official use such as by the City of Stayton, Santiam Water Control District, Stayton Fire District, or other governmental or public safety organizations.

SECTION 3. Upon enactment by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective immediately.

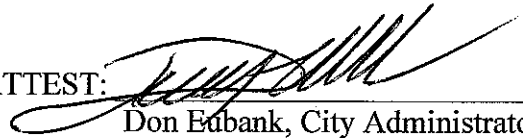
ENACTED BY THE STAYTON CITY COUNCIL on 7/5, 2011.

Signed: 7/8, 2011

CITY OF STAYTON

By: 
Scott Vigil, Mayor

Signed: 7/8, 2011

ATTEST: 
Don Edbank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney