



MEMO

To: Mayor and City Council
Date: July 6, 2023
From: Geoff Huff, Chief of Police
Subject: **Urination and Defecation in Public**

Recently, staff has become aware of a “loop hole” in our urination and defecation code in Chapter 11 of the Ames Municipal Code. The spirit of the code is to prohibit urinating and defecating in a public place.

Sec. 11.4. URINATION AND DEFECATION.

No person shall urinate or defecate onto any sidewalk, street, alley, or other public way or onto the floor, hallway, steps, stairway, doorway or window of any public or private building..
(Ord. No. 777, Sec. 14; Code 1956, Sec. 57-14; Ord. No. 2490, Sec. 2, 11-26-74; Ord. No. 3003, Sec. 10, 2-23-88; Ord 4132, Sec. 11.4, 11-27-12)

The current code is very specific, and the violation must meet one of the listed areas. The problem exists when an individual urinates or defecates on private property but in plain view of the public. This is sometimes the reason an officer may stop at a nuisance party where neighbors have made complaints about the party and urination and defecation in view of the public but not on public property or one of the other places listed in code.

Should the Council wish to remedy this situation the words, “and other places reasonably viewed by the public, provided this subsection shall not apply to restrooms or public facilities designated for such purpose.” could be added to the code.

For reference, Sec. 11.5 lists the fines:

Sec. 11.5. PENALTIES FOR OFFENSES PERTAINING TO HEALTH AND SANITATION.

- (1) A violation of any provision of Chapter 11, Health and Sanitation, shall be a municipal infraction punishable by a penalty of \$50 for a person’s first violation and \$100 for each repeat violation.
- (2) Alternatively, a violation of any provision of Chapter 11, Health and Sanitation, can be charged by a peace officer of the city as a simple misdemeanor.
(Ord. No. 2523, Sec. 2, 8-5-75; Ord. No. 3497, Sec. 9, 8-25-98; Ord. No. 3551, 3-7-00; Ord. No. 4140, 2-26-13) [State Law Ref. Iowa Code Sec. 137.21]

The City of Iowa City, Des Moines, and West Des Moines have code language that serve as examples of language that would clarify Ames Municipal Code.

Iowa City

8-5-13: PUBLIC URINATION AND DEFECATION:

A. It shall be unlawful for any person to urinate or defecate in or upon any street, alley, public place or in any place open to public view, provided this subsection shall not apply to restrooms or public facilities designated for such purpose. (Ord. 12-4468, 3-20-2012)

Des Moines

Sec. 70-182. - Public defecation and urination.

It shall be unlawful for any person to urinate or defecate in or upon any street, alley, sidewalk, skywalk bridge, skywalk corridor or other place open to public view, provided that this section shall not apply to private restrooms or public facilities designated for such purpose. (C85, § 17-46.01; O.11,170; C91, § 17-46.01)

West Des Moines

5-2-19: PUBLIC DEFECATION AND URINATION:

It shall be unlawful for any person to urinate or defecate in or upon any street, alley, sidewalk, or other place open to the public view or public use, provided that this shall not apply to private restrooms or public facilities designated for such purpose. (Ord. 1577, 3-29-2004)