



# Memo

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## Legal Department

TO: Mayor and City Council  
FROM: Kristine Stone, Assistant City Attorney  
RE: Public Urination ordinance amendment – Section 11.4  
DATE: October 9, 2012

The Ames Municipal Code specifies that a public urination violation is punishable as a “misdemeanor”. *See* Sec. 11.4. However, Chapter 11, which is the Health and Sanitation chapter, contains a general penalty provision which states that any violation of the chapter may be charged as either a municipal infraction or as a simple misdemeanor. These two code sections are therefore in conflict with one another.

The police department has requested that Section 11.4 be amended to remove the misdemeanor requirement. This will allow officers to charge a public urination violation as either a municipal infraction or as a criminal charge, which will give the officers more flexibility when writing citations. This will also be more consistent with the other provisions contained within Chapter 11. The police department is therefore requesting that the attached ordinance be passed.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 11.4, AND ADOPTING A NEW SECTION 11.4 TO REMOVE THE REFERENCE TO MISDEMEANOR; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Police Department would like to have the flexibility of charging a public urination/defecation violation as either a municipal infraction or simple misdemeanor; and

**WHEREAS**, currently the Code requires that any such violations be charged as a misdemeanor.

**NOW THEREFORE, BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

**Section One.** The Municipal Code of the City of Ames, Iowa, shall be and the same is hereby amended by repealing Section 11.4, and adopting a new Section 11.4, to read as follows:

**“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.”

**Section Two.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

**Section Three.** This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor