



Agenda Item: 15.B
Date of Meeting: October 28, 2024
Department: Police

STAFF REPORT

To: City Council
From: Nate Derr
Subject: **First Reading and Introduction of a Proposed Ordinance Relating to Prohibiting Public Urination and Defecation**
Prepared On: October 18, 2024
Attachments: Ordinance - Relating to Prohibiting Public Urination and Defecation

Background/History:

In California, public urination and defecation are generally not classified as distinct crimes but can be addressed under Penal Code 372, which deals with public nuisances. Here's how it works:

1. **Public Nuisance Definition:** PC 372 defines a public nuisance as an act that disrupts the public's right to enjoy their property or public spaces. While public urination and defecation can be seen as nuisances, they often need to meet certain criteria to be prosecuted under this code.
2. **Multiple Incidents Requirement:** To successfully enforce PC 372, law enforcement may need to demonstrate that the behavior has occurred repeatedly by the same individual, or that it is part of a broader pattern affecting the community. This can complicate enforcement, as officers may have to document numerous instances before they can take action.
3. **Challenges in Enforcement:** The requirement for repeated offenses makes it challenging for officers to address these issues promptly. If individuals are only committing the act once or sporadically, law enforcement is not always able to take immediate action. This has led to frustrations in the city as we experience rising incidents of public urination and defecation. An alternative solution many Cities have adopted is a Local Ordinance to provide clearer paths for enforcement, allowing officers to address public urination and defecation more directly without having to rely solely on state penal codes.

Analysis/Discussion:

This ordinance will align with the City of Bishop's strategic plan Mission 1: Build and create community and support a vibrant, pedestrian-friendly city by investing in public spaces and

supporting downtown events and activities.

This ordinance will also align with Inyo County Code 9.36.

Economic Impacts:

There are no economic impacts.

Budget Impacts:

There are no budget impacts.

Legal Review:

City Attorney Pucci has reviewed this item and finds it complies with the law.

Recommended Action:

Council consideration to approve the first reading and introduction of the proposed ordinance by title only.

An Ordinance of the City Council of the City of Bishop, State of California, Adding Chapter 8.26 to the City of Bishop Code of Ordinances, Prohibiting Public Urination and Defecation.

Approved By: Ethan Aukee 10/21/2024

Approved By: Robin Picken 10/21/2024

Approved By: Deston Dishion 10/25/2024

Approved By: