

**CITY OF SAN ANTONIO  
POLICE DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council  
**FROM:** Albert A. Ortiz, Chief of Police  
**SUBJECT:** Ordinance Prohibiting Urinating and/or Defecating in Public  
**DATE:** February 03, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the City Manager to amend Chapter 21 of the San Antonio City Code to prohibit urinating and/or defecating in public places or in public view; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

Staff recommends approval.

**BACKGROUND INFORMATION**

On February 12, 2004, City Councilman Roger O. Flores submitted a Council Consideration Request directing City staff to bring forward, an ordinance to amend to Chapter 21 of the City Code. This ordinance would address problematic behaviors affecting public health and sanitation in public areas, especially downtown, created by persons urinating and/or defecating in public.

The proposed ordinance makes it an offense for a person to urinate and/or defecate: in or on a public street, alley, sidewalk, yard, park, building, structure, plaza, or utility right-of-way, or other public place; or in public view. It provides a defense to prosecution if the person does the activity in a restroom. This action provides for a criminal fine not to exceed \$500.00 for violation of this ordinance and is intended to serve as a deterrent to urinating and/or defecating in public places or in public view.

**POLICY ANALYSIS**

This action continues City Council policy of clarifying existing City Codes. In addition, this ordinance will enhance the City's efforts in addressing public health, sanitation and safety issues.

**FISCAL IMPACT**

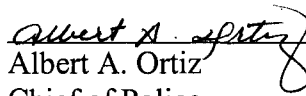
There are no new costs created by this proposed ordinance. Revenue generated by the \$500.00 fine under this ordinance will impact Municipal Court. However, due to a lack of historical perspective, the extent of the impact cannot be determined.

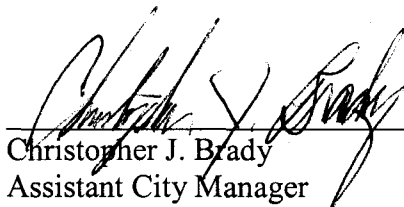
## COORDINATION

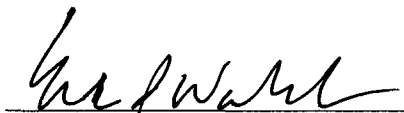
This ordinance request has been coordinated with the Finance Department, Office of Management & Budget, Municipal Court, and the City Attorney's Office.

## SUPPLEMENTARY COMMENTS

This item does not require an Ethics Ordinance Disclosure Statement or a Discretionary Contracts Disclosure Form.

  
Albert A. Ortiz  
Chief of Police

  
Christopher J. Brady  
Assistant City Manager

  
J. Rolando Bono  
Interim City Manager