

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduction of Ordinance Amending Title 9, Chapter 9.04, "Offenses Against Public Decency," Relating to the Prohibition of Public Urination

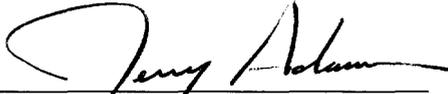
DATE: November 20, 2002

PREPARED BY: JERRY J. ADAMS, CHIEF OF POLICE

RECOMMENDED ACTION: That the City Council introduce an ordinance amending Title 9, Chapter 9.04, "Offenses Against Public Decency," by adding Section 9.04.030 "Prohibiting Public Urination."

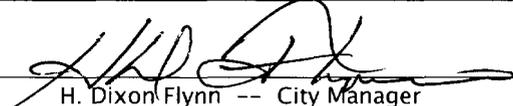
BACKGROUND INFORMATION: The Lodi Police Department has received complaints from downtown business owners and citizens about the problem of some people urinating in public. The purpose of this addition to the ordinance is to enable us to more effectively deal with this problem and make the downtown area pleasant for citizens and children to visit and shop. This ordinance could help in our overall enforcement and help to continue in cleaning up the downtown area. This Ordinance is needed since there is no State law dealing specifically with this problem. Language from other cities was reviewed to arrive at the proposed language presented in this Ordinance.

FUNDING: None


Jerry J. Adams
Chief of Police

cc: City Attorney

APPROVED: _____


H. Dixon Flynn -- City Manager



DOWNTOWN LODI BUSINESS PARTNERSHIP
4 WEST PINE STREET
P.O. BOX 1565
LODI, CALIFORNIA 95241-1565

PHONE: (209) 369.8052
FAX: (209) 369.8053
EMAIL: dlbp@mindspring.com

November 13, 2002

The Honorable City Council
City of Lodi
City Hall
Lodi, CA

Subject: Ordinance Amending Title 9, Chapter 9.04, "Offenses Against Public Decency,"
Relating to the Prohibition of Public Urination---**SUPPORT FOR PASSAGE OF
PROPOSAL**

Dear Honorable Ladies and Gentlemen:

On behalf of the Board of Directors of the Downtown Lodi Business Partnership, we hereby present our strong endorsement and support of the issue referenced above.

At our directors meeting of November 12, 2002 the board unanimously approved this resolution, and during discussion gave numerous examples of Downtown businesses observing acts of public urination. This is not only an unhealthy situation, but one that discourages and frightens law abiding citizens from visiting or doing business in the Downtown area.

We also realize that this is not just a Downtown situation, but one that occurs all to frequently in other parts of our wonderful city. We need to give the proper tools and support to our law enforcement officers to stop this unsafe and improper behavior.

We ask you to adopt the proposed ordinance as proposed by our Chief of Police Jerry J. Adams.

Sincerely,

Lewis F. Van Buksirk

Lewis F. Van Buksirk
Executive Director



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We ask you to adopt the proposed ordinance as proposed by our Chief of Police Jerry J. Adams.

Sincerely,

Peter Westbrook

Peter Westbrook
President



Associate Superintendent K-12

November 13, 2002

Lt. Chet Somera
Lodi Police Department
230 West Elm Street
Lodi, CA 95240

Dear Chet,

It is with pleasure that I write a letter of support on behalf of Lodi Unified School District for the proposed ordinance regarding prohibition of public urination and defecation on public property.

It would seem such an ordinance should not be necessary, but our schools are proof we do need such a measure. There are many times when the District has an outdoor event, our custodians and site staffs are faced with the unpleasant task of cleaning up human waste.

Please do not hesitate to contact my office should you need further assistance.

Sincerely,

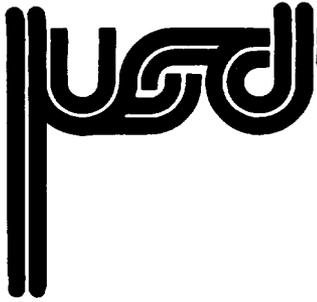
A handwritten signature in black ink that reads "Dr. Ferrara". The signature is written in a cursive, flowing style.

Dr. Rich Ferrara
Associate Superintendent

RF:djh

1305 E Vine St.
Lodi, CA 95240

209-331-7003 • 209-953-8003
209-331-7961 Fax



LODI UNIFIED SCHOOL DISTRICT

REESE SCHOOL

1800 West Elm Street, Lodi, California 95242

Honorable Mayor
And Members of the
Lodi City Council
P.O. Box 3006
Lodi, CA 95241

As the principal at Reese School, I am writing to support the Ordinance Amending Title 9, Chapter 9.04, "Offenses Against Public Decency," Relating to the Prohibition of Public Urination. During the eight years I have been at Reese there have been many incidences of problems during the evening and over the weekends. Our head custodian routinely checks the playground areas and the outdoor walkways between the buildings, as these areas are often used as public bathrooms. Not too long ago a parent called to say she had been on the campus on a Saturday and had seen someone defecating on the playground behind one of our portable buildings.

We have had problems recently with some adult soccer teams that use our playgrounds on Sunday mornings. We have been unable to do anything because our playgrounds are considered public areas.

Please support this ordinance. I am certain it will help us to provide a cleaner, safer place for our children to learn.

Sincerely,

A handwritten signature in black ink that reads "Joan E. Morrison". The signature is written in a cursive, flowing style.

Joan E. Morrison
Principal

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING TITLE 9, CHAPTER 9.04 "OFFENSES AGAINST PUBLIC DECENCY," BY ADDING SECTION 9.04.030 PROHIBITING PUBLIC URINATION & DEFECATION

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 9.04.030 is hereby added to the Lodi Municipal Code to read as follows:

Section 9.04.030 – Public Urination or Defecation - No person shall urinate or defecate in or upon any street, alley, plaza, park, public building, publicly maintained facility, public land, or in any place open to the public or exposed to public view. This does not apply to using a public bathroom.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this _____ day of _____, 2002

PHILLIP A. PENNINO
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held November 20, 2002, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2002 by the following vote:

AYES: COUNCIL MEMBERS –
NOES; COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney