

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-40 Prohibits vomiting, urinating, or defecating in certain places, as well as related activities. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact:

No Impact Augmentation Required

Budget Funds Available Dept./Division:

Amount:
Funding Source:

PURPOSE/BACKGROUND:

This bill will prohibit vomiting, urinating, or defecating in certain places, as well as related activities. The bill is in response to court decisions and to revise current Code provisions that prohibit immodest, improper, or indecent behavior in certain public places.

RECOMMENDATION:

This bill should be submitted to the recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

- 1. Bill No. 2006-40
2. Business Impact Statement

Motion made by STEVEN D. ROSS to Approve DO PAS

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

Councilwoman Tarkanian declared the public hearing open.

Deputy City Attorney Little outlined the previous statute and its application in the past. The statute was found by the Court to be overly broad. Rather than pursuing the matter through the Supreme Court, the City Attorneys office drafted replacement language. The language does provide for medical necessity, but requires offender to clean the property. When staff was relocating the homeless it found offensive materials adjacent to sleeping space. This will prohibit sleeping near such offensive materials. If they wish to sleep there, the individual will first need to clean up the material and dispose of it.

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Councilwoman Tarkanian clarified that young children with dirty diapers or the elder with a medical condition will also be subject to reasonableness by officers. She encouraged that those situations be considered proactively. Deputy City Attorney Little pointed out that a child under 14 cannot be held criminally responsible. Councilman Ross had also received calls from concerned individuals and was assured that officers are trained to be reasonable. Parents are not criminally liable and children cannot willingly violate statute.

Councilwoman Tarkanian repeated that since the concerns were raised with both Committee members, it would be wise to address the concerns up front.

Councilwoman Tarkanian closed the public hearing.

