

**CITY OF SILVERTON**  
**ORDINANCE**  
**17-12**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE ADDING A NEW CHAPTER 8.15 TO TITLE 8 TO PROHIBIT CERTAIN ACTS IN PUBLIC**

**WHEREAS**, on August 21, 2017 and October 16, 2017, the Silverton City Council discussed changes to the Silverton Municipal Code (Code) to impose prohibitions on certain acts in public including urination and defecation; and

**WHEREAS**, the City desires to protect individuals who are unwittingly and unexpectedly exposed to individuals urinating and defecating openly; and

**WHEREAS**, the City desires to prevent individuals from creating public health issues by urinating and defecating in public areas and leaving waste out in public; and

**WHEREAS**, the City has a legitimate government interest in promoting public health, safety, and welfare which would be better served by prohibiting such activities in the City; and

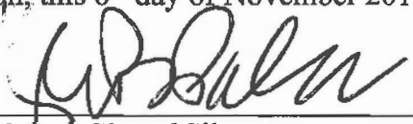
**WHEREAS**, the City desires to revise the Code to prohibit public urination and defecation in the City.

**NOW THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

Section 1: The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A (Chapter 8.15).

Section 2: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 6<sup>th</sup> day of November 2017.

  
\_\_\_\_\_  
Mayor, City of Silverton  
Kyle Palmer

ATTEST

  
\_\_\_\_\_  
Acting City Manager/Chief of Police  
Jeff Fossholm

**EXHIBIT A**  
(additions in *italics*, deletions in ~~strike~~through)

**8.15 Prohibited Public Acts**

- 8.15.010**      ***Definitions***
- 8.15.020**      ***Prohibited Public Acts***
- 8.15.030**      ***Violation***
- 8.15.040**      ***Severance***

**8.15.010**      ***Definitions.***

*For the purposes of this Chapter*

*A. "Public Place" means premises, whether publicly or privately owned, that are open and available to the general public, in addition to streets, sidewalks, paths, trails, parks, squares, lots and grounds. If premises are privately owned, then they are a "public place" during the hours open to the general public.*

**8.15.20** ***Public Acts***

*A. No person may knowingly perform while in a public place:*

*1. An act of open urination or defecation except in toilets provided for that purpose.*

*B. This prohibition does not extend to:*

*1. People who are undergoing a bona fide medical emergency supported by medical documentation.*

**8.15.030**      ***Violation.***

*Any person found violating this chapter shall be guilty of committing a violation punishable by the general penalty under SMC 1.08.010.*

**8.15.040**      ***Severance.***

*If any section, sentence, clause, or phrase of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way effect the validity of any remaining portions of this Chapter.*