

ORDINANCE NO. 7,448–N.S.

ADDING SECTION 13.36.085 TO THE BERKELEY MUNICIPAL CODE PROHIBITING
URINATION AND DEFECATION IN PUBLIC PLACES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That section 13.36.085 is added to the Berkeley Municipal Code to read as follows:

13.36.085 Urination and defecation in public places

A. No person may urinate or defecate:

1. In a public place;
2. In a place open to the public or exposed to public view;
3. In a private place entered without consent of the owner, his agent, or the person in lawful possession thereof.

B. For purposes of this Section, “public place” means and includes, but is not limited to, any street, park, pier, beach, restaurant, café, theater, store, building playground, school ground recreational area or other place to which the public is invited or has access or any place open to the public view.

C. This Section shall not apply to urination or defecation in any fixture provided for such purposes in any bathroom, restroom, dressing room, or similar facility.

D. No person may be cited for a violation of this Section until that person has first been warned that his or her conduct is in violation hereof.

E. Violations of this Section shall be charged as infractions, and not as misdemeanors.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 17, 2015, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Capitelli, Droste, Maio, Moore, Wengraf and Bates.

Noes: Anderson, Arreguin and Worthington.

Absent: None.

ORDINANCE NO. 7,450–N.S.

ADDING SECTION 13.36.040 TO THE BERKELEY MUNICIPAL CODE PROHIBITING
OBSTRUCTION OF CITY-OWNED PLANTERS AND TREES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That section 13.36.040 is added to the Berkeley Municipal Code to read as follows:

13.36.040 Obstructing City-owned planters and trees.

A. It is unlawful for any person to lie in or on the walls of a City-owned planter that is located in the right of way. This subdivision shall not apply under the following circumstances:

1. To any person lying down due to a medical emergency.
2. To any person utilizing an object, placed on a commercial sidewalk by the City or other public agency, in the manner in which it is intended, such as sitting on a bus stop bench or downtown plaza benches.

B. It is unlawful for any person to place or cause to be placed any object in or on any City-owned planter or tree well.

C. It is unlawful for any person to affix any object other than a bicycle, or a pet leash to the extent permitted under Section 10.12.110, to any City-owned tree guard, newspaper rack, planter, parking meter or parking pay station in the public right of way.

D. It is unlawful for any person to affix anything other than a bicycle or tricycle to a bike rack in the public right of way.

Nothing in these exceptions shall be construed to permit any conduct which is prohibited by any other provision of law.

E. No person may be cited for a violation of this Section until that person has first been warned that his or her conduct is in violation hereof.

F. Violations of this Section shall be charged as infractions, and not as misdemeanors.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Ayes: Capitelli, Droste, Maio, Moore, Wengraf and Bates.

Noes: Anderson, Arreguin and Worthington.

Absent: None.

