

**ORDINANCE NO. 0406-21-ORD**

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING CHAPTER 8, MISCELLANEOUS OFFENSES, OF THE LEWISVILLE CITY CODE BY ADDING NEW ARTICLE IV, PROHIBITING URINATING AND/OR DEFECATING IN PUBLIC AND PROVIDING FOR A DEFENSE; PROVIDING A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Lewisville (“City Council”) finds that it is in the best interest of the citizens of the City of Lewisville to: (1) prohibit persons from urinating or defecating in public place; (2) provide for the enforcement of these regulations; and (3) provide for penalties for the violation of this ordinance as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated as if fully set forth herein.

**SECTION 2. Amendment to Chapter 8, Miscellaneous Offenses, of the Lewisville City Code.** Lewisville City Code, Chapter 8, Miscellaneous Offenses, is hereby amended by adding a new Article IV, Public Urination and Defecation, to read as follows:

**“ARTICLE IV. PUBLIC URINATION AND DEFECATION**

**Sec. 8-71. Definitions.** For purposes of this article, the following terms shall apply:

Public place means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, alleys, highways, common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, yards, parks, sporting facilities, buildings, structures, plaza, and public or utility rights of way.

Restroom means a location with toilets or urinals for the purpose of urinating or defecating.

**Sec. 8-72. Urinating or Defecating in Public Prohibited.**

- (a) A person commits an offense if the person urinates and/or defecates:
  - (1) on public property or in a public place; or
  - (2) in public view.
- (b) It is a defense to prosecution under this section if the person urinated and/or defecated in a restroom.”

**SECTION 3. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 5. PENALTY.** Any person, firm or corporation who violates any provisions of this ordinance shall be subject to a fine of not more than \$500.00 for each offense, unless the violation relates to fire safety, zoning or public health and sanitation in which case the fine shall not exceed \$2,000.00. Each continuing day’s violation shall constitute a separate offense.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 7. EMERGENCY.** It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 15<sup>th</sup> DAY OF  
NOVEMBER, 2021.**

**APPROVED:**

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TJ Gilmore, MAYOR

**ATTEST:**

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Julie Worster, CITY SECRETARY

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY