



Request for City Council Committee Action from Council Members Cam Gordon and Blong Yang

Date: May 6, 2015

To: Council Member Blong Yang, Chair, Public Safety, Civil Rights and Emergency Management Committee

Referral to: City Council

Subject: Repeal of Ordinance 213.30. - Spitting; depositing tobacco.

Recommendation: Approve ordinance amending Title 11, Chapter 213 of the Minneapolis Code of Ordinances relating to Health and Sanitation: In General, repealing Section 213.30 relating to spitting; depositing tobacco.

Previous Directives: On April 3, 2015 this matter was introduced, referred to the committee and a public hearing was set by the City Council for May 6

Department Information

Prepared by: City Council Member Cam Gordon
Approved by: City Council Member Cam Gordon
Presenters in Committee: Council Members Cam Gordon and Blong Yang

Reviews

- Permanent Review Committee (PRC): Approval ___ Date _____
- Civil Rights Approval Approval ___ Date _____
- Policy Review Group (PRG): Approval ___ Date _____

Financial Impact

- No financial impact

Community Impact

- City Goals
- One Minneapolis: Disparities are eliminated so all Minneapolis residents can participate and prosper
- Racial inequities (including in housing, education, income and health) are addressed and eliminated.
 - All people, regardless of circumstance, have opportunities for success at every stage of life.
 - Equitable systems and policies lead to a high quality of life for all

Two Community Meetings were held focused on the repeal of this and the "lurking" ordinance. The first was held on **April 29**, 2015 at the Harrison Recreational Center, 503 Irving Ave N, and the second on **May 4**, 2015 at Park Avenue Methodist Church, 3400 Park Ave S. A third meeting will be held on **May 14** at Matthews Park Neighborhood Center at 2318 29th Ave S.

Supporting Information

This ordinance was adopted in 1898. It was amended slightly in 1904 to read as follows:

213.30. - Spitting; depositing tobacco.

No person shall spit or expectorate or deposit or place any sputum, spittle, saliva, phlegm, mucus, tobacco juice, cigarette stumps, cigar stumps or quids of tobacco upon the floor, walls or stairway or any part of any public hall or building, depot, market, theater, church or place of public amusement; or upon, into or through any grating, area or stairway; or upon any sidewalk of any public street; or upon the floor, furnishings or equipment of any motor bus while it is in use upon the streets of the city.

According to the City of Minneapolis annual reports, arrests for violating 213.30 went from 1 in 1900 to 200 in 1904 and down to 21 in 1908. Only 1 arrest is recorded in Minneapolis' annual report for 1909. The Council proceedings from the time period indicate that the passage of this ordinance was intended to help prevent the spread of Tuberculosis (TB) in a time when the use of chewing tobacco was common in Minneapolis.

While today we know that TB is an airborne disease spread when infectious people sneeze, cough, talk or spit, there was less certainty then. Additionally, it appears that the chewing and spitting of tobacco was seen as a nuisance. In 1904 passage of another related ordinance made tuberculosis reportable. In 1909 in Minneapolis according to one publication there were 356 deaths and 434 living cases of Tuberculosis in Minneapolis (from *A Tuberculosis Directory: Containing a List of Institutions, Associations and Other Agencies Dealing with Tuberculosis in the United States and Canada, National Association for the Study and Prevention of Tuberculosis, 1911*).

Only a few years after the height of the tuberculosis epidemic in Minneapolis, in 1913, there were only 2 spitting violations of the over 12,000 violations of all city ordinances reported that year.

Recent concerns have been raised that this law may, perhaps unintentionally, serve to perpetuate racism and classism in our criminal justice system.

From 2011 to 2014 there were 29 citations issued for 213.30 "Spitting; depositing tobacco." Records indicate that 26 of these were issued to males and two to females, and one included no identification of a gender. The race of the person cited is as follows:

2011 – 4 Violations: 2 Black, 2 race not identified

2012 – 15 Violations: 6 Black, 9 race not identified

2013 – 9 Violations: 5 Black, 4 race not identified

2014 – 1 Violation: 1 White

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Gordon and Yang

Amending Title 11, Chapter 213 of the Minneapolis Code of Ordinances relating to Health and Sanitation: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 213.30 of the above-entitled ordinance be and is hereby repealed, as follows:

~~213.30. – Spitting; depositing tobacco.~~

~~No person shall spit or expectorate or deposit or place any sputum, spittle, saliva, phlegm, mucus, tobacco juice, cigarette stumps, cigar stumps or quids of tobacco upon the floor, walls or stairway or any part of any public hall or building, depot, market, theater, church or place of public amusement; or upon, into or through any grating, area or stairway; or upon any sidewalk of any public street; or upon the floor, furnishings or equipment of any motor bus while it is in use upon the streets of the city.~~