

Bylaw No. 8354

**The Public Spitting, Urination and Defecation
Prohibition Bylaw, 2004**

**Codified to Bylaw No. 8994
(December 19, 2011)**

BYLAW NO. 8354

The Public Spitting, Urination and Defecation Prohibition Bylaw, 2004

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, a city may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

And Whereas under the provisions of clause 8(1)(c) of *The Cities Act*, a city may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

And Whereas under the provisions of clause 8(1)(d) of *The Cities Act*, a city may pass bylaws respective nuisances, including property, activities or things that affect the amenity of a neighbourhood;

And Whereas spitting, urinating or defecating in public, whether on a public place or privately owned property, constitutes a health risk and a nuisance which may affect the amenity of a neighbourhood;

And Whereas the City of Saskatoon wishes to enact a bylaw to prohibit public spitting, urination and defecation in the City.

Now Therefore, the Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Public Spitting, Urination and Defecation Prohibition Bylaw, 2004.

Definitions

2. In this Bylaw,
 - (a) “City” means The City of Saskatoon;
 - (b) “defecate” means to discharge waste matter from the bowels;

- (c) “public place” includes all or any part of a street as defined in *The Cities Act*, a park, municipal reserve, environmental reserve, buffer strip or other property of the City;
- (d) “spitting” means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- (e) “street” means a street within the meaning of *The Cities Act*; and
- (f) “urinate” means to discharge urine from the body.

Spitting Prohibited

- 3. No person shall spit on any street, on the Meewasin Valley Trail or on any improved walkway, sidewalk, path or trail in a park, municipal reserve, environmental reserve, or buffer strip.

Defecating and Urinating Prohibited

- 4. No person shall defecate or urinate in public on any private property or in or on a public place.

Offences and Penalties

- 5. (1) Every person who:
 - (a) contravenes section 3 is guilty of an offence and liable on summary conviction to a fine of \$100; and
 - (b) contravenes section 4 is guilty of an offence and liable on summary conviction to a fine of \$200.
- (2) In default of payment of a fine imposed pursuant to subsection (1), the individual convicted may be imprisoned for a term of not more than 30 days.
- (3) Notwithstanding subsection (1), a peace officer may issue a notice of bylaw violation to a person who contravenes a provision of this Bylaw. The Notice of Violation shall provide that if the person pays the City the sum of:
 - (a) \$100 in respect of a violation of section 3; or

- (b) \$200 in respect of a violation of section 4;

prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be prosecuted for the contravention.

- (4) The fine may be paid:
 - (a) in person, during regular office hours, to the cashier located at City Hall, Saskatoon, Saskatchewan;
 - (b) by deposit, at the depository located at the main entrance to City Hall, Saskatoon, Saskatchewan; or
 - (c) by mail addressed to the Office of the City Treasurer, City Hall, Saskatoon, Saskatchewan, S7K 0J5.
- (5) Notwithstanding subsection (3), the \$100 penalty is reduced to \$75 and the \$200 penalty is reduced to \$150 if paid within 14 calendar days of the date of the Notice of Bylaw Violation. The date of payment shall be determined as follows:
 - (a) for payment in person, the date of payment shall be the date payment is received by the City;
 - (b) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at City Hall; or
 - (c) for payment by mail, the date of payment shall be the post marked date on the remittance.
- (6) Upon receipt of payment in accordance with subsection (5), the person contravening the Bylaw shall not be prosecuted for the contravention.

Bylaw No. 953 Amended

- 5. (1) The Public Health Bylaw is amended in the manner set forth in this section.
- (2) Section 161 is repealed.

Bylaw No. 322 Repealed

- 6. Bylaw No. 322, being a Bylaw of The City of Saskatoon prohibiting spitting in public places, is repealed.

Coming Into Force

- 7. This Bylaw shall come into force of the day of its final passing.

Read a first time this 4th day of October, 2004.

Read a second time this 4th day of October, 2004.

Read a third time and passed this 4th day of October, 2004.

"Donald Atchison"
Mayor

"Janice Mann" "SEAL"
City Clerk