

Bylaw No. 8354

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

**Codified to Bylaw No. 9611
(July 29, 2019)**

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. 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"

City Clerk

"SEAL"