

CITY OF PRINCE ALBERT BYLAW NO. 36 OF 2020

A Bylaw of The City of Prince Albert to regulate, control and prohibit Public Spitting, Urination and Defecation

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 respecting nuisances, relating to 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 Prince Albert wishes to enact a bylaw to prohibit public spitting, urination and defecation in the City;

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as the "Public Spitting, Urination and Defecation Prohibition Bylaw."

Definitions

2. In this Bylaw:

- (a) "City means The City of Prince Albert;
- (b) "defecate" means to discharge waste matter from the bowels;
- (c) "police officer" means any sworn member of a police force in Saskatchewan, any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer, and/or any person appointed as a bylaw enforcement officer under section 337 of *The Cities Act*, or any successor to that legislation..
- (d) "public place" means all or any part of City owned or private property that is open to the public or to which the public is customarily admitted or invited, and includes all or any part of a street, sidewalk, improved walkway, park, municipal reserve, environment reserve, buffer strip, parking lot, or the Rotary Trail;
- (e) "spitting" means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- (f) "street" means a street within the meaning of *The Cities Act*; and
- (g) "urinate" means to discharge urine from the body.

Spitting Prohibited

- 3. No person shall spit in any public place including without limitation any part of a street, sidewalk, improved walkway, park, municipal reserve, environment reserve, buffer strip, parking lot, or the Rotary Trail;

Defecating and Urinating in Public

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

Penalty

- 5. (1) Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable to a fine of not more than \$2,000.
- (2) When a police officer issues a summary ticket for a violation of this Bylaw, that police officer may enter on the ticket the amount of \$100.00 which, if

paid within the time prescribed, will be accepted as a guilty plea to the offence.

- (3) Any person who is in default of a payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety (90) days.

Severability

6. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.


Repeal

7. Bylaw No. 7 of 2007 is hereby repealed.

Coming into Force

8. This bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 13th DAY OF October, AD 2020.
READ A SECOND TIME THIS 13th DAY OF October, AD 2020.
READ A THIRD TIME AND PASSED THIS 13th DAY OF October, AD 2020.



MAYOR



CITY CLERK