

# RURAL MUNICIPALITY OF MERVIN #499

## BYLAW NO. 2023-12

### A BYLAW OF THE RURAL MUNICIPALITY OF MERVIN #499 TO PROVIDE FOR THE REGULATION OF URINATION AND DEFECATION PROHIBITION

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

And Whereas 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 Rural Municipality of Mervin #499 wishes to enact a bylaw to prohibit public urination and defecation in the municipality.

Now Therefore, the Council of The RM of Mervin #499 enacts:

#### 1. TITLE

This bylaw may be cited as *The Urination and Defecation Prohibition Bylaw*.

#### 2. DEFINITIONS

In this Bylaw:

- a. "Defecate" means to discharge waste matter from the bowels;
- b. "Public place" includes all or any part of a street as defined in *The Municipalities Act*, a park, municipal reserve, environmental reserve, buffer strip or other property of the RM;
- c. "Rural Municipality of Mervin #499 (RM)" means the municipality in which this bylaw is enforceable;
- d. "Street" means a street within the meaning of *The Municipalities Act*; and
- e. "Urinate" means to discharge urine from the body.

#### 3. DEFECATING AND URINATING PROHIBITED

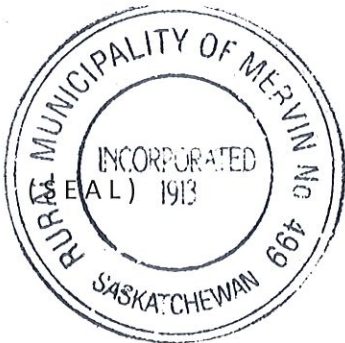
No person shall defecate or urinate in public on any private property or in or on a public place.

#### 4. OFFENCES AND PENALTIES

- a. Every person who:
  - i. contravenes section 3 is guilty of an offence and liable on summary conviction to a fine of \$100; and
  - ii. contravenes section 4 is guilty of an offence and liable on summary conviction to a fine of \$200.
- b. In default of payment of a fine imposed pursuant to subsection (a), the individual convicted may be imprisoned for a term of not more than 30 days.
- c. Notwithstanding subsection (a), 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 RM the sum of:
  - i. \$100 in respect of a violation of section 3; or
  - ii. \$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.
- d. The fine may be paid:
  - i. in person, during regular office hours, to the RM of Mervin #499, 211 Main St. Turtleford, SK;
  - ii. by deposit, at the depository located at the main entrance to RM of Mervin #499; or
  - iii. by mail addressed to the RM of Mervin #499, Box 130, Turtleford, SK S0M 2Y0.
- e. Notwithstanding subsection (c), 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:
  - i. for payment in person, the date of payment shall be the date payment is received by the RM;
  - ii. for payment by deposit, the date of payment shall be the date payment is deposited in the depository at RM; or
  - iii. for payment by mail, the date of payment shall be the post marked date on the remittance.
- f. Upon receipt of payment in accordance with subsection (e), the person contravening the bylaw shall not be prosecuted for the contravention.

#### 5. COMING INTO FORCE

This bylaw shall come into force and take effect on the day of its final passing thereof.




  
Reeve

  
Administrator

Certified a true copy of  
Bylaw No. 2023-12 adopted by  
resolution of Council this 27  
day of June, 2023.

  
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Reeve

  
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Administrator

