

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 6711/06

Being a by-law to prohibit graffiti

WHEREAS Section 128 of the *Municipal Act*, S.O. 2001, c. 25 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become or cause public nuisances;

AND WHEREAS the opinion of Council of the City of Pickering is that graffiti is a public nuisance.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING ENACTS AS FOLLOWS:

Definitions

1. In this by-law,
 - (a) "art mural" means a mural that has been made for the purpose of beautifying specific property;
 - (b) "City" means the Corporation of the City of Pickering;
 - (c) "Council" means the Council of the City;
 - (d) "graffiti" means one or more letters, symbols, numbers, etchings, inscriptions, pictorial representations, or other markings that disfigure or deface property howsoever made on or otherwise affixed to the property, but does not include,
 - (i) a sign authorized by the City's Sign By-law;
 - (ii) a public notice authorized by law;
 - (ii) a traffic control mark authorized by law; or
 - (iii) an art mural approved by the City in accordance with section 6;
 - (e) "interior space" means any space that is not visible from a highway or other public place;
 - (f) "officer" means a City employee whose duties include the enforcement of this by-law;

- (g) "property" means a house, building, wall, fence or other structure, whether mobile or immobile, and includes the lands appurtenant to such structures; and
- (h) "public place" means any place to which the public has access, as of right or by invitation, express or implied.

Graffiti Prohibited

- 2. No person shall place graffiti or cause or permit graffiti to be placed on any property.
- 3. Every owner and every occupant of property shall at all times maintain the property free of graffiti.

Application to Interior Space

- 4. Sections 2 and 3 do not apply to the interior space of any property.

Notice to Comply

- 5.
 - (1) An officer who finds a contravention of this by-law may give written notice to the owner or occupant of the property requiring compliance with this by-law within fourteen (14) days after the notice is given.
 - (2) The notice may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case the notice shall be deemed to have been given on the third day after it is mailed.
 - (3) If there is evidence that the person in possession of the property is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the property.
 - (4) If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under subsection (2), a placard stating the terms of the notice and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the owner.

Art Mural Exemption

- 6. This by-law does not apply to any art mural initiated by the City.

Failure to Comply

7. (1) If an owner or occupant fails to comply with a notice given under section 5, the City may enter upon the owner's property or occupant's property at any reasonable time for the purposes of removing the graffiti.
- (1) Costs incurred by the City in doing the work required to be done to remove the graffiti may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

Offences

8. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act*.

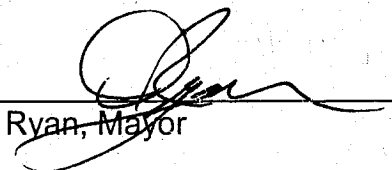
Short Title

9. This by-law may be cited to as the 'Anti-Graffiti By-law'.

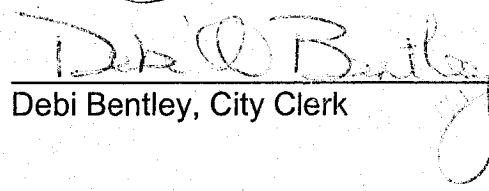
Effective Date

10. This by-law comes into effect on the day of its passing.

BY-LAW read a first, second and third time and finally passed this 10th day of October, 2006.



David Ryan, Mayor



Debi Bentley, City Clerk