

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2007 – 47

A BY-LAW OF THE CORPORATION OF THE CITY OF PEMBROKE
TO PREVENT UNSIGHTLINESS OF PROPERTY BY PROHIBITING
GRAFFITI ON PROPERTY AND REQUIRING THAT PROPERTY
BE KEPT FREE OF GRAFFITI (ANTI-GRAFFITI BY-LAW)

WHEREAS the *Municipal Act*, S.O. 2001, c.25, Section 9, provides that Section 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs, as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS the *Municipal Act*, S.O. 2001, c.25, Section 128, 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 public nuisances;

AND WHEREAS the opinion of the Municipal Council of the Corporation of the City of Pembroke is that graffiti is a public nuisance;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law:

- (a) “City” means the Corporation of the City of Pembroke.
- (b) “Graffiti” means one or more letters, symbols, marks, pictorial representations, messages or slogans howsoever made on any property, but does not include any of the following:
 - (i) A sign, public notice, letters, symbols, marks, pictorial representations, messages or slogans authorized by the City;
 - (ii) A sign, authorized pursuant to a permit issued under the City Sign By-law;
 - (iii) A sign, public notice, or traffic control mark authorized by Provincial, or Federal law.
- (c) “Permit” means:
 - (i) to give consent to; or
 - (ii) to knowingly allow to be done or occur; or
 - (iii) to grant permission.
- (d) “Property” includes real property and personal property.

GRAFFITI PROHIBITED

- 2. (a) No person shall place graffiti, or cause or permit graffiti to be placed on any property.
- (b) The owner, tenant, or occupant of a property shall keep the property free of graffiti.

APPLICATION TO INTERIOR SPACE

- 3. Section 2 does not apply to the following:
 - (a) The interior space of any property.

OFFENCES

- 4. 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 as amended and will be required to make restitution for the cost of removal of the graffiti.

FAILURE TO COMPLY; REMOVAL BY CITY; COSTS

- 5. In addition to any penalty imposed upon conviction for violation of this by-law or if no fine or prosecution has been issued or commenced for such violation, the City may after 14 days of serving a notice on the property owner, tenant, or occupant requiring him and/or her to remove the graffiti:
 - (a) Enter upon the property and remove the graffiti from the property;
 - (b) Do so at the expense of the owner of the property;
 - (c) Recover the costs incurred by the City from the owner of the property by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.


TITLE

- 6. This by-law may be referred to as the "Anti-Graffiti By-law".

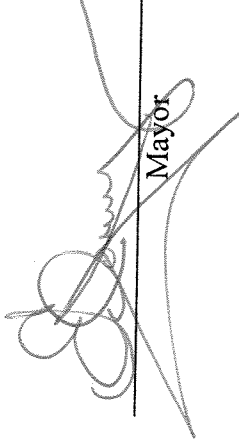
EFFECTIVE DATE

- 7. This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 18th DAY OF SEPTEMBER, 2007.




 Chief Administrative Officer/Clerk

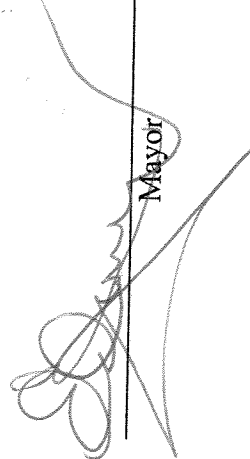


 Mayor

READ A THIRD TIME AND PASSED THIS 18th DAY OF SEPTEMBER, 2007.



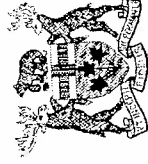
 Chief Administrative Officer/Clerk



 Mayor

THE HONOURABLE JUDITH C. BEAMAN
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE JUDITH C. BEAMAN
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
161, RUE ELGIN, 6^E ÉTAGE
OTTAWA (ONTARIO)
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RECEIVED

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October 29, 2007

Mr. Terry Lapierre, CMO, CMMIII, Ec.D
Chief Administrative Officer
City of Pembroke
1 Pembroke Street East, P.O. Box 277
Pembroke, Ontario
K8A 6X3

Dear Mr. Lapierre,

**Re: Set Fines - Provincial Offences Act – Part I
City of Pembroke**

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 2007-47, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice S.G. Radley-Walters in Pembroke, together with a certified copy of the By-law.

Yours truly,

Judith C. Beaman
Regional Senior Justice

Enclosures