

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:

1. Definitions

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;

2. Graffiti Prohibited

- 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.

3. Application to Interior Space

Section 2 does not apply to the following:

- a. The interior space of any property.

4. Offences

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.

5. Failure to Comply; Removal by City; Costs

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.

6. Title

This by-law may be referred to as the “Anti-Graffiti By-law”.

7. Effective Date

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

Mayor

Chief Administrative Officer/Clerk

Read a third time and passed this 18th day of September 2007

Mayor

Chief Administrative Officer/Clerk

PART I PROVINCIAL OFFENCES ACT

CITY OF PEMBROKE – BY-LAW 2007 – 47

TITLE: Anti-Graffiti By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1.	Place graffiti on property	Section 2 (a)	\$200.00
2.	Cause or permit graffiti to be placed on any property	Section 2 (a)	\$200.00

NOTE: The general penalty provision for the offences listed above is Section 61 Of the Provincial Offences Act, R.S.O. 1990, c.P.33.