

NO. 02-16

GRAFFITI BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to (1) replace the anti-graffiti regulations enforcement provisions in the Rubbish Bylaw with an independent bylaw, and (2) to explicitly require the owners and occupiers of real property to remove graffiti.

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Under its statutory powers, including sections 269, 376(2), 725(1)(c) and (d), and 725(2) of the *Local Government Act*, the Council of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "GRAFFITI BYLAW".

Definitions

- 2 In this Bylaw,

"graffiti"

- (a) means drawing, printing, or writing that
 - (i) is scribbled, scratched, sprayed, painted, or similarly placed directly,
 - (ii) if it is on private property that is not located on public real property, is there without the consent of the owner of that private property;
- (b) excludes signs for which permits have been issued under the Sign Bylaw; and
- (c) excludes murals;

"mural"

means a painting

- (a) that is applied directly to the wall of a building with the consent of the owner of that building; and
- (b) that does not include any text or logo other than the name of the artist.

Prohibiting graffiti adjacent on or adjacent to public place

- 3** A person must not place graffiti on a wall, fence, or elsewhere on or adjacent to a public place

Owners and occupiers must remove graffiti

- 4** Every occupier of real property, or its owner if there is no occupier, must remove from that property all unsightly accumulations of graffiti.

Inspection to determine whether bylaw is being followed

- 5** A Municipal Police Constable of the City may enter at all reasonable times on real property, that is subject to section 3 or 4, to determine whether a requirement set out in those sections is being observed.

City's action at defaulter's expense

- 6**
- (1) The City may give written notice to an owner or occupier, who does not take an action required under section 4, stating that the City will take the action at the expense of the owner or occupier if that person does not take the action within 14 days of the service of the notice.
 - (2) An owner or occupier to whom notice is given under subsection (1) may appeal the City's proposed action by applying, within 14 days of the service of the notice, for a hearing by the City's Private Property Maintenance Committee established under the Property Maintenance Hearing Delegation Bylaw.
 - (3) Upon hearing an appeal under subsection (2) the Private Property Maintenance Committee may
 - (a) dismiss the appeal;
 - (b) extend the time in which the person appealing must undertake the action required by the notice given under subsection (1); or

- (c) where the Private Property Maintenance Committee determines it is appropriate to do so, vary the action required to be taken by the person appealing and establish time limits within which the person appealing must undertake the action.
- (4) A Municipal Police Constable of the City, or any person authorized by a Municipal Police Constable, on behalf of the City and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the real property owned or occupied by that person and take the action required by a notice given under subsection (1) if that person does not take the action within 14 days after the service of the notice, and
- (a) that person has not appealed to the Private Property Maintenance Committee within 14 days of the service of the notice;
 - (b) the Private Property Maintenance Committee, acting under its authority in subsection (3)(a), has dismissed that person's appeal;
 - (c) the Private Property Maintenance Committee has not extended the time in which the person is required to comply with the action required by the notice given under subsection (1); or
 - (d) the Private Property Maintenance Committee, acting under its authority in subsection (3)(c), has not varied the action required to be taken by the person appealing.
- (5) If the City takes action under subsection (4) and the costs of the action are not paid on or before December 31 in the year in which they are incurred,
- (a) they may be recoverable from the person as a debt; or
 - (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the real property on which the action was taken.
- (6) For the purposes of subsection (5)(b), the costs referred to in subsection (5) are considered to be taxes in arrears.

Offences and Penalties

- 7** A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the following enforcement provisions:
- (a) to the penalties imposed by the *Offence Act*;

(b) the issuing and enforcement of a ticket under the Ticket Bylaw.

READ A FIRST TIME the	14TH day of	FEBRUARY	2002.
READ A SECOND TIME the	14TH day of	FEBRUARY	2002.
READ A THIRD TIME the	14TH day of	FEBRUARY	2002.
ADOPTED on the	28TH day of	FEBRUARY	2002.

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR