

CITY OF PORT MOODY

BYLAW NO. 2524

A BYLAW TO PREVENT UNSIGHTLINESS OF PROPERTY BY PROHIBITING THE PLACEMENT OF GRAFFITI AND REQUIRING THAT PROPERTY BE KEPT FREE OF GRAFFITI.

WHEREAS Section 725 of the *Local Government Act* R.S.B.C. 1996, c.323 authorizes Council, by Bylaw, to:

1. prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place;
2. prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly; and
3. effect compliance at the expense of any person who has failed to comply with the Bylaw.

1. TITLE

- 1.1 This Bylaw may be cited as “City of Port Moody Graffiti Bylaw No. 2524”.

2. DEFINITIONS

- 2.1 “**Graffiti**” means one or more letters, symbols or marks, howsoever made, on any structure or thing, but does not include marks made accidentally or any of the following:
 - a) a sign, public notice or traffic control mark authorized by the City Engineer or the Director of Community Services;
 - b) a sign authorized pursuant to the Sign Bylaw;
 - c) a public notice authorized by a City Bylaw or by Provincial or Federal legislation;

2. DEFINITIONS (Continued)

- d) in the case of private property, a letter, symbol or mark authorized by the owner or tenant of the property on which the letter, symbol or mark appears, and that does not contribute to the unsightly nature of the property.

2.2 "City" means the City of Port Moody.

3. OFFENCES

- 3.1 No person shall place **Graffiti**, or cause **Graffiti** to be placed, on any wall, fence or other structure or thing in any street or other public place.
- 3.2 No person shall place **Graffiti**, or cause **Graffiti** to be placed, on any wall, fence, building or other structure located on real property and adjacent to a street or other public place.
- 3.2 No owner or occupant of real property shall permit **Graffiti** to be placed on any wall, fence, building or structure that is located on such real property and adjacent to a street or other public place.
- 3.3 Every owner and every occupant of real property shall at all times maintain free of **Graffiti** any wall, fence, building or structure that is located on such real property and adjacent to a street or public place.

4. ENFORCEMENT

- 4.1 Where real property is not maintained in accordance with section 3 of this Bylaw, the **City** may, by its workmen and others, enter the property and remove the **Graffiti**, provided that it first gives at least fifteen (15) days notice to the owner by way of registered mail to the last known address of the owner, or by posting a notice on the property.
- 4.2 Where the **City** enters property to effect maintenance pursuant to section 4.1, it shall be at the expense of the person so defaulting, and those charges, if unpaid on the thirty-first day of December in the year that compliance was effected, shall be added to, and form part of, the taxes payable in respect of that real property as taxes in arrears.

5. PENALTIES

5.1 Every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of, or in violation of, any of the provisions of this Bylaw, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw, and shall be liable to penalties hereby imposed.

5.2 Every person who commits an offence against a provision of this Bylaw is liable to a fine and penalty of not less than \$100.00 and not more than \$2,000.00 for each offence. Every infraction shall be deemed to be a continuing, new and separate offence, for each day during which the same shall continue.

6. SEVERABILITY

6.1 If any Section, Subsection, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not effect the validity of the remainder.

READ FOR A FIRST TIME the 23rd of July, 2002.

READ FOR A SECOND TIME the 23rd of July, 2002.

READ FOR A THIRD TIME the 23rd of July, 2002.

ADOPTED the 8th day of October, 2002.

MAYOR

CITY CLERK