

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5010

A bylaw to prohibit graffiti and require owners and
occupiers of real property to remove graffiti

WHEREAS pursuant Section 64(k) of the *Community Charter*, the Council of the Corporation of the City of Vernon desires to prevent unsightliness of property by prohibiting the placement of graffiti and to promote civic responsibility by requiring that the owners and occupiers of real property remove graffiti;

The Council of the Corporation of the City of Vernon, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as “City of Vernon Graffiti Bylaw Number 5010, 2006”.

2. Definitions:

“**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 of Vernon;
- b) a sign authorized pursuant to the Sign Bylaw;
- c) excludes murals, or graffiti in approved areas where the graffiti is not offensive in nature,
- d) in the case of private property, a letter, symbol or mark which the owner or tenant of the property on which the letter, symbol or mark appears has given prior, written authorization.

“**mural**” means an artistic rendering or drawing painted or otherwise applied to a wall of a building or structure with the consent of the owner of that building or structure; intended as a public display; and that does not include any text or logo for advertising purposes.

3. Offences:

BYLAW NUMBER 5010

3.01

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.

3.02

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, or which may be viewed from a neighbouring property.

3.03

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, or which may be viewed from a neighbouring property.

3.04

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.

4. Enforcement:

4.01

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 occupier, or by posting a notice on the property.

4.02

Where the City enters property to effect maintenance pursuant to Section 4.01, it shall be at the expenses of the person so defaulting, and those charges, if unpaid on the thirty-first (31st) day of December in the year that compliance was affected, shall be added to and form part of the taxes payable in respect to that real property as taxes in arrears.

5. Penalties:

5.01

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) 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

BYLAW NUMBER 5010

to be a
continuing,
new and

separate offence, for each day during which the same shall
continue.

- c) Is liable to a fine as imposed by means of a municipal ticket
information *under the Community Charter* or a bylaw notice under
the *Local Government and Bylaw Notice Enforcement Acts*.

READ A FIRST TIME this 27 day of March, 2006

READ A SECOND TIME this 27 day of March, 2006.

READ A THIRD TIME this 27 day of March, 2006.

THIRD READING RESCINDED this 10th day of April, 2006

THIRD READING AS AMENDED this 10th day of April, 2006

ADOPTED this 24th day of April, 2006.

Mayor

City Clerk