CITY OF PITT MEADOWS GRAFFITI BYLAW
BYLAW NO. 2469, 2010

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

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WHEREAS, Section 64(k) of the Community Charter provides Council with the authority to regulate nuisances, disturbances, and other objectionable situations;

AND WHEREAS, Council of the City of Pitt Meadows desires to prevent unsightliness of property by prohibiting the placement of graffiti and require that the owners and occupiers of real property remove graffiti;

NOW THEREFORE, THE Council of the City of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the**"City of Pitt Meadows Graffiti Bylaw No. 2469, 2010."**

2. **Definitions**

   (i) "Graffiti" means one or more letters, symbols, marks, designs, or drawings, howsoever made, on any structure, place or thing, but does not include any of the following:

      (a) a sign, public notice, or traffic control mark authorized by the City;

      (b) a sign authorized pursuant to City of Pitt Meadows Sign Bylaw;

      (c) a public notice authorized by a City Bylaw or by Provincial or Federal legislation; or

      (d) in the case of private real property, a letter, symbol, mark, design or drawing authorized by the owner or occupant of the property on which the letter, symbol, mark, design or drawing appears, that does not render the real property unsightly;

   (ii) "Hate Graffiti" means graffiti that demeans a person or group or class of persons based on race, colour, ancestry, place of origin, religion, physical or mental disability, sex or sexual orientation of such person or group or class of persons;

   (iii) "Notice to comply" means a notice to comply issued pursuant to Section 5 of this bylaw;

   (iv) "Real Property" means land including any buildings, structures, or other improvements thereon.

3. **Prohibition**

No person shall place graffiti, or cause graffiti to be placed on, or displayed from, any wall, fence, structure or other thing in any street, public place or from real property adjacent to a street or public place, or on any motor vehicle or other moveable object.

4. **Requirement**

Every owner or occupier of real property shall at all times keep any wall, fence, building, structure or thing that is located on that real property free of graffiti.

5. **Notice to comply**

Where a person has failed to comply with section 4 of this Bylaw, staff may give notice in writing the removal of the graffiti from the real property.

6. **Service of notice to comply**

A notice to comply is deemed to be served on an owner or occupier of real property when it has been:

(i) Mailed by registered or certified mail to the address of the owner shown on the last revised real property assessment roll;

(ii) Delivered to the owner or an occupier of the real property, or placed in a mailbox or other receptacle for the receipt of mail on the real property; or

(iii) Posted on the real property.

7. **Failure to comply**

If an owner or occupier fails to comply with a notice to comply:

(i) In the case of hate graffiti or graffiti containing profane words, symbols, marks, designs, or drawings within 48 hours of being served; or

(ii) In the case of graffiti other than hate graffiti, within 14 days of being served by the City, by its employees, agents, or contractors, may enter onto the real property and effect compliance at the cost of the owner.

8. **Cost added to taxes**

The cost and charges incurred by the City for work performed on real property pursuant to Section 7 shall, if unpaid on December 31 of the year in which the work was performed, be added to and form part of the real property taxes on the real property as taxes in arrears.

9. **Offence and penalty**
   Every person who contravenes a provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than $100.00 and not more than the maximum penalty provided by the Offence Act and, where the offence is continuing, each day that offence is continued will constitute a separate offence.

10. **Effective date**
    This Bylaw shall come into force and effect as the date of adoption.

11. **Severability**
    If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

READ a first time the 21st day of September 2010.

READ a second time the 21st day of September 2010.

READ a third time the 21st day of September 2010.

ADOPTED the 5th day of October 2010.

Mayor (Don MacLean)

Corporate Officer (Laurie Darcus)