

Subject: GRAFFITI BYLAW - Proposed Task Force

Date: Mon, 17 Oct 2005 14:41:51 -0700

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Mayor & Council:

Since the item mentioned above is being returned as unfinished business, I thought I would take this opportunity to reiterate the comments I made during the public input period two weeks ago.

While I applaud councillors Nixon and McKeon-Holmes for showing concern over the problem of graffiti, it is not a complicated issue requiring a task force to investigate. There is only one way to combat graffiti and that is to remove it as quickly as possible. In Sept 04 Council adopted a bylaw that brought the District in-line with the City on NV where private property owners can be fined for not removing graffiti within a specified time-frame. The municipality has an obligation to remove graffiti from its property as well. If Council deems the eradication of graffiti to be a priority, then it should budget the necessary funds to deal with the problem. There are no "cost effective" or "more permanent solutions" other than quick removal of graffiti wherever it appears.

For easy reference I've attached the Graffiti Bylaw below.

Brian Platts

<http://www.dnv.org/upload/documents/bylaws/7503.htm>



District of North Vancouver

GRAFFITI BYLAW

Bylaw No. 7503 (2004)

Effective Date – September 27, 2004

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amending Bylaw

Date of Adoption

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Graffiti Bylaw No. 7503, 2004). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

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THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7503

A bylaw to prohibit graffiti and require that property be kept free of graffiti.

The Council for The Corporation of The District of North Vancouver enacts the following:

Title

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

Definitions

- In this Bylaw:**

"Bylaw Enforcement Officer" means the person, or persons, appointed to the position pursuant to the Appointment of Bylaw Enforcement Officers Bylaw.

"District" means the geographic area of land within the boundaries of The District of North Vancouver.

"Council" means the Council of The District of North Vancouver.

"Graffiti" means one or more letters, symbols or marks, howsoever made, on any structure, place 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 District Engineer;**
- (b) **a sign authorized pursuant to The District of North Vancouver Sign Bylaw;**
- (c) **a public notice authorized by a District bylaw or by provincial or federal legislation; or**
- (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, that does not contribute to the unsightly nature of the property.**

"Municipality" shall mean The Corporation of the District of North Vancouver.

Prohibitions

- 3. 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 on real property adjacent to a street or public place.**

Requirements

- 4. Every owner or occupier of real property shall at all times keep any wall, fence, building, structure or thing that is located on such real property and adjacent to a street or public place free of graffiti.**

Order to comply

- 5. Where a Bylaw Enforcement Officer observes that a person has failed to perform any obligations pursuant to the provisions of this bylaw, the Bylaw Enforcement Officer may issue to such person an Order to Comply with the requirements of this bylaw in respect of which that person is in default.**

- 6. An Order to Comply shall be in the form indicated in Schedule "A".**

7. An Order to Comply is deemed to be served on an owner or occupier of real property when the District has:

- (a) mailed, by registered mail, a copy of the Order to Comply to the address of the owner shown on the last revised real property assessment rolls; or**
- (b) delivered a copy of the Order to Comply to the owner or an occupier of the real property, or by placing the Order to Comply in a mailbox, or other receptacle, for the receipt of mail on the real property; or**
- (c) posted a copy of the Order to Comply on the real property.**

8. Every person who has been served with an Order to Comply in accordance with this bylaw shall comply with the requirements of this bylaw in respect of which that person is in default within 30 days of such service.

9. Upon receipt of an Order to Comply, a person may appeal its issuance to the Council by giving notice of the appeal, in writing, to the Municipal Clerk within 15 days of the service of the Order to Comply.

10. If an appeal is brought, Council shall hear and determine the appeal and either confirm, amend or rescind the Order to Comply.

11. If an appeal is heard by Council, and Council confirms the Order to Comply, the person who brought the appeal shall comply with the requirements of this bylaw in respect of which that person is in default within 15 days of Council's decision on the appeal.

12. If the obligations imposed by the terms of an Order to Comply in respect of a default under the provisions of this bylaw are not performed within the time period established by this bylaw, the District, by its employees and or its agents, may enter the real property and perform the obligations at the expense of the owners or occupiers of the real property.

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

14. No person shall in any way interfere with, resist or willfully obstruct any person

authorized to carry out any duty pursuant to the provisions of this bylaw.

Costs

15. A Bylaw Enforcement Officer shall provide to the Treasurer an accurate record of all costs incurred by the District in performing or causing to be performed any obligations set out by the provisions of this bylaw.

16. Upon receipt from the Bylaw Enforcement Officer of a record of the total costs incurred in any specific matter, the Treasurer shall demand payment thereof from the owner of the real property in which work was performed.

Offences and penalties

17. Every person who:

- (a) violates any provisions of this bylaw; or**
- (b) causes or suffers to permit any act or thing to be done in contravention, or in violation, of any of the provisions of this bylaw; or**
- (c) neglects or refrains from doing anything required to be done by any of the provisions of this bylaw, or**
- (d) fails to comply with an Order to Comply, direction or notice given under this bylaw;**

is guilty of an offence punishable by way of the *Offence Act*.

18. Each day that an infraction exists shall constitute a separate offence under this bylaw.

19. Any person who is guilty of an infraction of this bylaw is liable to a fine and penalty of not less than Five Hundred (\$500.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars.

Municipal ticket information

20. This bylaw is designated pursuant to section 264 of the *Community Charter*,

S.B.C. 2003, c.26 as a bylaw that may be enforced by means of a ticket in the form prescribed.

21. Members of the Royal Canadian Mounted Police and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to section 264 of the *Community Charter*.

22. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to Section 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column below are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the Section column:

<i>Designated Expressions</i>	<i>Section</i>	<i>Fine</i>
Place Graffiti	3	\$200.00
Allow Graffiti	4	\$200.00
Obstruction	14	\$200.00
Fail to Comply with Order	17(d)	\$200.00

Severability

23. If any provision of this Bylaw, or amendments thereto, should be found or determined to be invalid, illegal or unenforceable, it will be severable from the remainder of this bylaw, and the remainder of this bylaw shall be construed as if such invalid, illegal or unenforceable provision had been deleted therefrom.

READ a FIRST TIME by the Council on the 20th, day of September, 2004.

READ a SECOND TIME by the Council on the 20th, day of September, 2004.

READ a THIRD TIME by the Council on the 20th, day of September, 2004.

ADOPTED by the Council on the 27th, day of September, 2004.

“RICHARD S. WALTON”

ACTING MAYOR

“AGNES S. HILSEN”

MUNICIPAL CLERK

Certified a true copy

Municipal Clerk

SCHEDULE 'A'

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

GRAFFITI BYLAW NO. 7503

ORDER TO COMPLY

TO:

RE: Property at: (address)

Legal Description:

Complaints have been received regarding:

Investigation discloses the following:

The above constitutes an offence under the Graffiti Bylaw

No. 7503, Section _____

You are hereby ordered to:

Failure to comply may result in:

a) The District proceeding in accordance with the default provisions of the Graffiti Bylaw, including the District doing the work required and collecting the costs of that work as taxes ;

and/or

b) The District seeking to have you prosecuted for violating the Graffiti Bylaw.

Questions regarding this order may be directed to:

Yours truly,

Bylaw Enforcement Officer

IMPORTANT INFORMATION

You may appeal the issuance of this *Order to Comply* to Council. An appeal must be brought within fifteen (15) days of the date of service of this *Order to Comply* by giving notice, in writing, to the Municipal Clerk. Council must hear and determine the appeal and either confirm, amend or rescind the *Order to Comply*.

If the obligations imposed by this *Order to Comply* in respect of a default under the provisions of the Graffiti Bylaw are not performed within 30 days, and you do not appeal, the District, by its employees and or its agents, may enter the real property to which the Order relates and perform the obligations at the expense of the owners or occupiers of the real property.

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

