

AMENDED by #17-47

The Corporation of the Town of Grimsby

By-law 12-36

A By-law to prevent unsightliness of property by prohibiting the placement of graffiti and requiring that property be kept free of graffiti.

**Whereas** the *Municipal Act, 2001*, S.O. 2001, c. 25, section 9 provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to

(a) enable municipalities to govern their affairs, as they consider appropriate and (b) enhance their ability to respond to municipal issues;

**And whereas** the *Municipal Act, 2001*, S.O. 2001, c. 25, section 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become or cause public nuisances;

**And whereas** the opinion of Council of the Town of Grimsby is that graffiti is a public nuisance;

**Now therefore** the Council of the Corporation of the Town of Grimsby enacts as follows **Now therefore** the Council of the Corporation of the Town of Grimsby enacts as follows

This By-law comes into force and takes effect on the date of its passing.

**1. Definitions**

a. Art mural - defined

"Art mural" means a mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location.

b. Graffiti - defined

"Graffiti" means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed

on the structure or thing, but for greater certainty, does not include:

- (i) a sign, public notice or traffic control mark authorized by the Town
  - (ii) a sign authorized pursuant to permit issued under the Town Sign By-law
  - (iii) a sign, public notice or traffic control mark authorized by regional, provincial or federal law; and
  - (iv) An art mural authorized pursuant to a permit issued under the Town Sign By-law
- c. Interior space - defined  
"Interior space" includes an interior wall, ceiling, floor and any other partition that defines the interior space
- d. Officer - defined  
"Officer" means any person or persons appointed to administer and enforce the provisions of this By-law.
- e. Owner – defined  
"Owner" means:
- (i) the person having the right, title, interest or equity in the land, or his or her agent authorized in writing;
  - (ii) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
  - (iii) a lessee or occupant of the property who, under the terms of a Lease, is required to repair and maintain the property
- f. Property - defined  
"Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- g. Public place - defined  
"Public place" means a place to which the public has access, as of right or by invitation, expressed or implied
- h. Town - defined  
"Town" means The Corporation of the Town of Grimsby

## 2. General Provisions

- a. Interior space - not applicable

Article 3 does not apply to the following

- I. The interior space of any property

- b. Graffiti - on property - structure - highway - prohibited

No person shall place or cause or permit graffiti to be placed on any property or on a wall, fence or other structure or thing in a highway or other public place not included in the definition of property in Section 1) of this By-law.

- c. Owner - occupant - duty to maintain - property

The owner or occupant of a property shall maintain the property free of graffiti.

- d. Owner - occupant - duty to maintain - fence - structure

The owner or occupant of a wall, fence or other structure or thing, in a highway or other public place not included in the definition of property in Section (1); shall maintain the structure or thing free of graffiti.

## 3. Order to Comply

- a. Written order - time specified By-law

An officer who finds a contravention of this Chapter may give a written order to the owner or occupant of the property, structure or thing, as described in this section requiring immediate compliance with this Chapter and/or to do work to correct the contravention of this Chapter within 14 calendar days from the date of notice as specified in the order.

- b. Order - served personally - registered mail

The order maybe served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the 5th day after it is mailed.

- c. Order to owner - occupant

If there is evidence that the person in possession of the property is not the registered property owner, the order shall be served on both the registered property owner and the person in possession of the property.

- d. Failure to comply- removal - by Town - owner expense

If an owner or occupant fails to comply with an order given under this Section, the Town's representatives may enter upon the lands at any reasonable time for the purposes of doing the things

described in the order.

e. Cost by Town - collected as taxes

Costs incurred by the Town in doing the work required to be done by the order may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

**4. Enforcement**

a. Fine - for contravention

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act*.

b. Failure to comply - guilty of offence

Any person who contravenes any provision of this Chapter or an order issued pursuant to Section 3) is guilty of an offence

**5. Enactment**

Effective date:

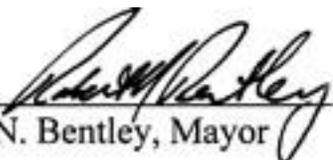
This By-law comes into force and effect on the date enacted by Town Council. By-law, 12-36 June 4, 2012.

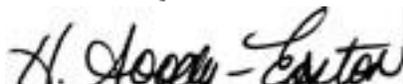
**6. Repeal**

By-law 01-81 is hereby repealed

Read a first time this 4<sup>th</sup> day of June 2012.

Read a second and third time and finally passed this 4<sup>th</sup> day of June 2012.

  
R.N. Bentley, Mayor

  
Sandy-Easton, Town Clerk

**The Corporation of the Town of Grimsby**

**By-law 17-47**

**A By-law to amend By-law 12-36 respecting graffiti and keeping property free of graffiti in the Town of Grimsby**

**Whereas** the Council of the Town of Grimsby deems it expedient to amend By-law No. 12-36 being a By-law respecting graffiti in the Town of Grimsby:

**And further** be amended by adding:

**And whereas** the Municipal Act, 2001 authorizes the Town of Grimsby, amongst other things, to delegate its authority to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders and to make orders to discontinue activity or to do work as set out in the Fees and Charges By-law;

**And further** Section 4 (a) be amended by removing:

- a. Fine - for contravention

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act*

And replace with:

- a. Fine - for contravention

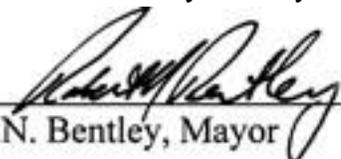
Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33, as amended*

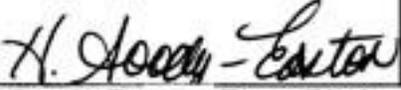
**And further that** Schedule A of By-law 17-47 form part of By-law 12-36.

1. That all other sections of By-law 12-36 shall be deemed to remain in force.
2. That this By-law shall come into force and take effect on the date of passage.

Read a first time this 15<sup>th</sup> day of May 2017

Read a second and third time and finally passed this 15<sup>th</sup> day of May 2017

  
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 R.N. Bentley, Mayor



Sandy-Easton, Town Clerk

**Schedule A to By-law 17-47**  
**Amending By-law 12-36**  
**Being a By-law to address graffiti in the Town of Grimsby**

| Item# | Column 1 Short Form Wording  | Column 2 Provision creating or defining offence | Column 3 Set Fine |
|-------|--|---|-------------------|
| 1.    | Mark or apply graffiti on any public place or private property.        | Part 2 (b)                                      | 205.00            |
| 2.    | Permit to be applied graffiti on any public place or private property. | Part 2 (b)                                      | 205.00            |
| 3.    | Owner fail to maintain property free of graffiti.                      | Part 2(c)                                       | 205.00            |
| 4.    | Occupant fail to maintain property free of graffiti.                   | Part 2 (c)                                      | 205.00            |

Note: The general penalty provision for the offences listed above is Section 4 of the By-law 12-36 as amended, a certified copy of which has been filed.