

## **CITY OF BURNABY**

### **BYLAW NO. 12294**

A BYLAW relating to graffiti

(Consolidated for your convenience with Bylaw No. 13506)

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY GRAFFITI BYLAW, 2007.**

#### DEFINITIONS

2. In this Bylaw, unless the context otherwise requires

“Chief Licence Inspector” means the Chief Licence Inspector of the City and any employee of the City authorized by him or her to act on his or her behalf under this Bylaw;

“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 the City’s Director Engineering;
- (b) a sign authorized pursuant to Burnaby 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;

“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;

“order to comply” means an order to comply issued pursuant to Section 5 of this Bylaw;

“real property” means land including any buildings, structures, or other improvements thereon.

#### PROHIBITION

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 from real property adjacent to a street or public place, or on any motor vehicle or other moveable object.

#### REQUIREMENT

4. 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.

#### ORDER TO COMPLY

5. Where a person has failed to comply with section 4 of this Bylaw, the Chief Licence Inspector may order in writing the removal of the graffiti from the real property.

#### SERVICE OF ORDER TO COMPLY

6. An order to comply is deemed to be served on an owner or occupier of real property when it has been:

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

- (b) 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
- (c) posted on the real property.

#### FAILURE TO COMPLY

- 7. If an owner or occupier fails to comply with an order to comply
  - (a) in the case of hate graffiti or graffiti containing profane words, symbols, marks, designs, or drawings, within 48 hours of service; or
  - (b) in the case of graffiti other than hate graffiti, within 14 days of service;the City, by its employees, agents, or contractors, may enter onto the real property and effect compliance at the cost of the owner.

#### COSTS ADDED TO TAXES

- 8. The costs 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 that real property as taxes in arrear.

#### OFFENCES AND PENALTIES

- 9. Every person who:
  - (a) violates any provision of this Bylaw; or
  - (b) causes or suffers or permits any act or thing to be done in contravention, or in violation, of any provision of this Bylaw ; or
  - (c) neglects or refrains from doing anything required to be done by any provision of this Bylaw, or
  - (d) fails to comply with an order to comply, direction or notice given under this Bylaw;

shall be deemed to be guilty upon summary conviction of an infraction of this Bylaw, and shall be liable to the penalties hereby imposed.

10. Each day that an infraction exists or is permitted to exist shall constitute a separate offence.

11. Any person who is guilty of an infraction of this Bylaw is liable to a fine and penalty of not less than \$500 and not more than \$10,000. (Bylaw No. 13506)

12. This Bylaw shall come into force on the first day of September, 2007.

Read a first time this 25<sup>th</sup> day of June 2007

Read a second time this 25<sup>th</sup> day of June 2007

Read a third time this 25<sup>th</sup> day of June 2007

Reconsidered and adopted this 9<sup>th</sup> day of July 2007

MAYOR

CLERK