

**THE CORPORATION OF THE CITY OF NORTH VANCOUVER**

**BYLAW NO. 6696**

**A Bylaw to prevent unsightliness of property by prohibiting the placement of graffiti and requiring that property be kept free of graffiti.**

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited as "**The City of North Vancouver Graffiti Bylaw, 1995, No. 6696**".
2. Definitions

In this Bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer" shall mean the person, or persons, appointed to the position having that name by the Council of the Municipality, and include a Building Inspector of the municipality.

"City" shall mean the geographic area of land within the boundaries of The City of North Vancouver.

"Council" shall mean the Council of The City of North Vancouver.

"Graffiti" shall mean one or more letters, symbols or marks, 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 Engineer;
- b) a sign authorized pursuant to The City of North Vancouver Sign Bylaw;
- C) a public notice authorized by a City bylaw, or by provincial or federal legislation;

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

"Person" shall include a corporation, partnership or party and the personal or other legal representatives of a person to whom the context can apply according to law.

"Real property" means land with or without improvements so affixed to lands as to make them in fact and law a part of it.

## PROHIBITIONS

- 3.1 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.

## REQUIREMENTS

- 4.1 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 free of graffiti.

## ORDER TO COMPLY

- 5.1 Where a person has failed to perform the obligations pursuant to the provisions of this Bylaw, the Bylaw Enforcement Officer may, in accordance with this Bylaw, issue to such person an Order to Comply with the requirements of this Bylaw in respect of which that person is in default.
- 5.2 An Order to Comply shall be given in Schedule "All attached to and forming a part of this Bylaw.
- 5.3 An Order to Comply shall be sufficiently served to an owner of real property when the Bylaw Enforcement Officer has:
- a) ascertained the registered owner in fee simple of the real property and his address from the last property assessment roll in the possession of the City and mailed a copy of the Order to Comply to such owner at the address so indicated on the assessment roll by prepaid certified mail; 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.
- 5.4 Any time period set out in the Order to Comply shall be deemed to commence upon the notice having been duly served in accordance with the provisions of this Bylaw.
- 5.5 a) Upon receipt of an Order to Comply a person may appeal its issuance to the Council, who shall hear and determine the appeal and either confirm, amend or rescind the Order to Comply.

- b) Any such appeal shall be brought within fifteen (15) days of the date of issuance of the Order to Comply by giving notice in writing to the City Clerk of the City.
  - c) The time period specified within an Order to Comply shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.
- 5.6
- a) If the obligations imposed by the terms of an Order to Comply in respect of a default under the provisions of the Bylaw are not performed within the time period set out, the City, by its employees and or its agents, may enter the real property and perform the obligations at the expense of the owners and occupiers of the real property.
  - b) The charges incurred by the City 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.

#### COSTS

- 5.1 The Bylaw Enforcement Officer shall certify to the Treasurer all costs incurred by the City in performing or causing to be performed any obligations set out by the provisions of this Bylaw.
- 5.2 Upon receipt from the Bylaw Enforcement Officer of a certified 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

- 6.1 Every person who:
- a) violates any provisions of the 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 the 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;

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

- 6.2 Each day that an infraction is permitted to exist shall constitute a separate offence.
- 6.3 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 Two Thousand (\$2,000.00) Dollars and to the cost of prosecution.

#### SEVERABILITY

7. 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 5th day of June, 1995.

READ a second time by the Council on the 5th day of June, 1995.

READ a third time and passed by the Council on the 5th day of June, 1995.

RECONSIDERED and finally adopted by the Council, signed by the mayor and City Clerk, and sealed with the Corporate Seal on the 19th day of June, 1995.

Signed by: Mayor John E. Loucks

Signed by: Bruce A. Hawkshaw, City Clerk

**SCHEDULE 'A'**

**THE CORPORATION OF THE CITY OF NORTH VANCOUVER**

**GRAFFITI BYLAW NO. 6696**

**ORDER TO COMPLY**

TO:

RE: Property at:  
Legal Description:

Complaints have been received regarding:

Investigation discloses the following:  
The above constitutes an offence under the Graffiti Bylaw  
No. 6696, Section \_\_\_\_\_

You are hereby ordered to:

Failure to comply may result in:

- a) The Municipality proceeding in accordance with the default provisions of Section <> of the said bylaw (see reverse side)  
  
and/or
- b) The Municipality proceeding in accordance with Section <> of the said bylaw, the offence section (see reverse side).

Questions regarding this order may be directed to:

Yours truly,

\_\_\_\_\_

Bylaw Enforcement Officer

Upon receipt of an Order to Comply, a person may appeal its issuance to the Council who shall hear and determine the appeal and either confirm, amend or rescind the Order to comply.

- a) Any such appeal shall be brought within fifteen (15) days of the date of issuance of the Order to Comply by giving notice in writing to the City Clerk of the City.
  - b) the time period specified within an Order to Comply shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.
- 4.6 If the obligations imposed by the terms of an Order to Comply in respect of a default under the provisions of the Bylaw are not performed within the time period set out, the City, by its employees and or its agents, may enter the real property and perform the obligations at the expense of the owners and occupiers of the real property.
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