

CONSOLIDATION OF A BYLAW OF THE CITY OF LETHBRIDGE TO
REGULATE GRAFFITI AND ACTIVITIES IN RELATION TO GRAFFITI

A BYLAW OF THE CITY OF LETHBRIDGE to regulate graffiti and activities in relation to graffiti.

WHEREAS the *Municipal Government Act*, authorizes municipalities to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* authorizes municipalities to pass bylaws respecting nuisances, including unsightly property.

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

NAME OF BYLAW

1. This Bylaw may be cited as the “Lethbridge Graffiti Bylaw”.

DEFINITIONS

2. For the purposes of this Bylaw the following words have the following definitions:
 - (a) “Bylaw Enforcement Officer” means any person employed by the City of Lethbridge as a police officer, bylaw enforcement officer or special constable.
 - (b) “Graffiti” means words, figures, letters or drawings scribbled, scratched, painted, sprayed, written, drawn or otherwise applied on Premises without the consent of the owner of the Premises;
 - (c) “Premises” includes anything constructed or placed on, in or over land.

GRAFFITI PREVENTION AND ABATEMENT

3. (1) No person shall apply or attempt to apply Graffiti.
- (2) Every owner or occupier of Premises shall ensure that Graffiti applied on the Premises is removed, painted over or otherwise permanently blocked from public view within seven (7) days of receiving written notice from a Bylaw Enforcement Officer. If the owner or occupier, as the case may be, fails to comply with this provision, the City, at their sole discretion and without further notice, may take such steps as they deem necessary to remove, paint over or otherwise permanently block from public view the graffiti.
- (3) In a prosecution for an offence under subsection (1), if the defendant seeks to rely on the graffiti being made with the consent of the owner of the Premises, the onus of proving the owner's consent rests with the person relying on consent.

PENALTIES

4. (1) Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000 c. P-34.
 - (2) The specified penalty payable in respect of a contravention of this Bylaw is the amount set out in Schedule "A".
 - (3) Pursuant to Section 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Bylaw Enforcement Officer under subsection (1) so provides, the person named in the summons may make a voluntary payment in the specified amount set out in Schedule "A" of this bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
 - (4) A person who contravenes subsection 3(1) of this bylaw is guilty of an offence and liable upon conviction to pay a fine of up to TEN THOUSAND (\$10,000.00) DOLLARS, or in default of payment to imprisonment for a period of not more than SIX (6) MONTHS.
5. This Bylaw will come into full force and effect on the date of final passing thereof.

Schedule "A"

SPECIFIED PENALTIES

<u>Subsection</u>	<u>Offence</u>	<u>Amount</u>
3(1)	Applying Graffiti	\$2,500.00

IN THE EVENT OF A PROSECUTION OF A YOUNG PERSON, IF THE *YOUTH JUSTICE ACT (ALBERTA)* SETS A MAXIMUM FINE THAT MAY BE IMPOSED AGAINST A YOUNG PERSON WHICH IS LOWER THAN AN AMOUNT STATED IN THIS SCHEDULE "A", THE MAXIMUM AMOUNT STATED IN THE *YOUTH JUSTICE ACT* SHALL APPLY.