

**BY-LAW NUMBER 2010-104**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**A BY-LAW TO PROHIBIT GRAFFITI ON PROPERTY AND  
REGULATE THE SALE OF GRAFFITI IMPLEMENTS AND  
TO REQUIRE PROPERTIES TO BE KEPT FREE OF  
GRAFFITI WITHIN THE TOWNSHIP OF UXBRIDGE**

**WHEREAS** Section 128 of the *Municipal Act*, 2001, S.O 2001, c.25, as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in opinion of council, are or could become public nuisances;

**AND WHEREAS** Graffiti, in the opinion of the Council of the Township of Uxbridge, is or could become a public nuisance and therefore, Council considers it desirable to enact a By-Law to prohibit Graffiti on property within the Township and require that property is kept free of Graffiti;

**AND WHEREAS** the Municipality is imposing certain conditions on the sale of spray paint, broad tipped marker pens, paint pens and glass cutting tools and glass etching tools or instruments for the purpose of nuisance control;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:**

**Section 1- Definitions**

- 1.1 In this By-Law,
- a) "Art Mural" means a mural that has been made for the purpose of beautifying specific property;
  - b) "Broad-tipped Marker Pen" means a felt-tip marker, or similar implement containing a fluid which is not water soluble with a tip that exceeds one-quarter (1/4) inch in width;
  - c) "Council" means the council of The Corporation of the Township of Uxbridge;
  - d) "Graffiti" means one or more letters, symbols, figures, numbers, etchings, scratches, inscriptions, stains, pictorial representations or other marking that disfigure or deface property howsoever made on or affixed to the property;
  - e) "Graffiti Implement" means any can of spray paint, broad-tipped marker pen, paint pen, glass cutting tool, or glass etching tool or instrument;
  - f) "Minor" means a person under the age of 18 years;
  - g) "Officer" means a Police Officer or Municipal Law Enforcement Officer appointed by the Council of Township of Uxbridge;
  - h) "Occupant" means any person or persons in lawful control of any grounds, yards or vacant lots or identified by the most current Municipal Assessment Roll as being the occupant of the property;

- i) "Owner" includes any person or persons identified by the most current Municipal Assessment Roll as being the owner of the property;
- j) "Paint Pen" means a tube, marker, or other pen-like instrument with a tip of one quarter (1/4) inch in diameter or less that contains paint or a similar fluid and an internal paint agitator;
- k) "Property" means a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures including customer service boxes and courier drop boxes, out-buildings, fences, sidewalks, signs, poles, walls and accessory structures;
- l) "Spray Paint" means any aerosol container that is made or adapted for the purpose of applying paint or other substance;

**Section 2- Purchase and Supply to Minors Prohibited**

- 2.1 No person may sell, exchange, give, loan, or in any other manner, supply or cause to be sold, exchanged, given, loaned, or supplied any Graffiti Implement to a Minor, unless the Minor is accompanied by their parents or legal guardian.
- 2.2 Every Owner who owns or operates a business selling Graffiti Implements shall place a sign that is a minimum of 21.6 cm by 27.9 cm in dimension in the direct view of persons responsible for accepting customer payment stating the following:

**"Selling spray paint, broad tipped marker pens, paint pens, glass cutting tools or glass etching tools or instruments to persons under the age of 18 years of age without parent or legal guardian accompaniment is an offence. Violators may be fined up to \$5000".**

**Section 3- Graffiti Prohibited**

- 3.1 No person shall place Graffiti or cause or permit Graffiti to be placed on any Property.
- 3.2 Every Owner and every Occupant of Property shall at all times maintain the Property free of Graffiti.

**Section 4- Notice to Comply**

- 4.1 An Officer who finds a contravention of this By-law may give written Notice to the Owner or Occupant of the Property requiring compliance with this By-law within 14 days after this Notice is given
- 4.2 Every Person served with a Notice under Section 4.1 of this by-law shall comply with such Notice within the time provided by such Notice
- 4.3 A Notice under this By-law shall be served by registered mail to the Owner or Occupant, or by posting the Notice in a conspicuous place at the property, or by delivering it personally to the Owner or Occupant.
- 4.4 Such Notice, when sent by registered mail to an Owner or Occupant of the property, shall be sent to the address of the Owner or Occupant as shown on the most current Municipal Assessment Roll of the Township or to the last known address of the Owner or Occupant.

- 4.5 A Notice sent by registered mail shall be deemed to be served to the Owner or Occupant five days after the date the Notice was sent. A Notice posted on the Property or delivered personally shall be deemed served the day after the posting or the personal delivery, as the case may be.
- 4.6 Upon failure of an Owner or Occupant to comply with a Notice, the Township may, within the prescribed period of time and in addition to any other remedies, carry out the works required in the Notice and for this purpose may, with its servants or agents, from time to time enter into and upon the Property.
- 4.7 The Township shall not be liable to compensate such Owner, Occupant or other persons having interest in the Property by reason of anything done by, on, or behalf of the Township under provisions of this By-Law.
- 4.8 All expenses incurred by the Township or its servants and agents while performing any work on any Property under the provisions of this By-Law shall be payable to the Township by the Owner or Occupant of the subject property and all such expenses shall be recoverable in a like manner as municipal taxes.

#### **Section 5- Exemptions**

- 5.1 This By-Law does not apply to any Art Murals or projects approved by Council.

#### **Section 6- Enforcement**

- 6.1 This By-Law shall be enforced by a Municipal Law Enforcement Officer or a Police Officer.

#### **Section 7- Penalties**

- 7.1 Every Person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O 1990, c.P.33, as may be amended from time to time.

#### **Section 8- Short Title**

- 8.1 This By-Law may be referred to as the "Graffiti By-Law".

#### **Section 9- Severability**

- 9.1 If a court of competent jurisdiction should declare any section or part of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-Law and it is hereby declared that the remainder of this By-Law be valid and shall remain in force.

#### **Section 10- Date Effective**

- 10.1 This By-Law shall come into force as of the date of its passing.

**READ a FIRST, SECOND and THIRD time and finally passed this 28<sup>th</sup> day of June, 2010.**

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**BOB SHEPHERD  
MAYOR**

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**DEBBIE LEROUX  
CLERK**