

**The Corporation of the City of Kenora**  
**By-Law Number 128- 2010**

**A By-Law To Prohibit the Placement of Graffiti and Requiring That Property Be Kept Free of Graffiti in the City of Kenora**

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**Whereas** pursuant to Section 10 of the Municipal Act 2001, the Councils of municipalities may pass by-laws for the purpose of public safety and protection of public and private property;

**Whereas** the increase of graffiti, on both public and private property, is creating a condition within the City of Kenora which results in deterioration of property value and contributes to the overall detriment of the quality of life in the City;

**Whereas** Section 425 of The Municipal Act R.S.O. 1990, c.M.45 as amended, empowers Council to pass certain by-laws creating offences for the contravention of by-laws passed under The Municipal Act; and

**Whereas** the Council of The Corporation of the City of Kenora deems it necessary and expedient that regulations be made for controlling graffiti on both public and private properties and for creating offences for any contravention to the By -law;

**Now Therefore** The Corporation of the City of Kenora hereby enacts as follows:

**1. Short Title**

1. This By-law may be cited as the "City of Kenora Anti Graffiti By-law".

**2. Definitions**

In this By-law the following terms shall have the following meanings:

"**Act**" shall mean The Municipal Act, 1990, including amendments thereto.

"**City**" shall mean the City of Kenora

"**Graffiti**" means any letters, words, writings, symbols, logos, marks, pictorial representations, drawings, paintings, etchings, inscriptions messages, slogans or other markings, not required or approved of by law, affixed to any private or public real property or improvements, which destroys, damages, defaces, disfigures, alters, marks or mars the property in any manner or to any degree.

This does not include any of the following:

- (i) A sign, public notice or traffic control mark authorized by the City;
- (ii) A sign authorized pursuant to a permit issued under the City Sign By-Law;
- (iii) A sign, public notice, or traffic control mark authorized by Regional, Provincial or Federal law;

- (iv) Letters, symbols, marks, pictorial representations, messages or slogans howsoever made on any property, authorized by the owner, tenant or occupant of the property

**"Property"** includes real property and personal property.

**"Aerosol Paint Container"** means any aerosol container which is adapted or made for the purpose of spraying paint.

**"Broad Tip Marker"** means any marker or similar implement which has a writing surface which is one-half (1/2) or an inch or greater and containing anything other than a solution which can be removed with water after the solution dries.

**"Graffiti Implement"** means an aerosol paint container, broad tip marker, paint stick, graffiti stick or bleeder.

**"Paint Stick, Graffiti Stick or Bleeder"** means any implement containing paint, wax-epoxy, or other similar substance.

**"Responsible Party"** means an owner, occupant, lesser, lessee, manager, licensee, or other person having the right to control such property.

### **3. Purpose & Intent**

The purpose and intent of this bylaw is to provide a program for removal of graffiti from public and private property to reduce deterioration within the City of Kenora, protect public safety, and to expedite the removal of graffiti from structures on both public and private property. Graffiti constitutes a public nuisance and a threat to public safety which must be stopped to alleviate the detrimental impact of such graffiti on the City and to prevent the spread of further graffiti. Graffiti is a crime under the heading of Mischief in the Criminal Code of Canada.

## **4. The Graffiti Management Plan**

### **4.1 Zero Graffiti Tolerance**

4.1.1. The City of Kenora will encourage its' citizens to take civic pride as it pertains to graffiti clean-up. Community involvement is essential in sending a "Zero-Tolerance" message to those who commit graffiti vandalism. To report public property graffiti call the Graffiti Hot-line at 467-2080. Private property owner's participation is also essential to the plan and the City of Kenora will encourage all property owners to remove graffiti as soon as possible after it appears.

4.1.2. To support proactive citizen efforts such as reporting of the placement and existence of graffiti, police investigation and follow up will be required.

### **4.2 Rapid Removal and Monitoring**

4.2.1. Experience shows that quick removal of graffiti from the time of its occurrence is very important in the overall reduction of graffiti. This plan calls for the removal of graffiti on public properties within **48 hours**. Private property owners are encouraged to remove graffiti within the same guidelines.

4.2.2. The City of Kenora will provide assistance to private property owners with information regarding removal techniques used to remove graffiti.

**5. Prohibitions**

5.1 Graffiti Prohibited

i) No person shall place graffiti on any property.

5.2 Possession of Graffiti Implements Prohibited

i) No person shall knowingly possess any graffiti implement with the intent to use the implement for the purpose of placing graffiti contrary to the provisions of this by-law.

**6. Offences**

Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided under the Provincial Offences Act.

**7. EFFECTIVE DATE**

That this By-law shall come into full force and effect on July 12, 2010

**By-Law Read a First and Second Time This 12<sup>th</sup> Day of July, 2010.**

**By-Law Read a Third and Final Time This 12<sup>th</sup> Day of July, 2010.**

**The Corporation of the City of Kenora:**

.....**Mayor**  
**Leonard P. Compton**

.....**Deputy Clerk**  
**Heather L. Kasprick**

**The Corporation of the City of Kenora**

**Part 1 – Provincial Offences Act  
Set Fine Schedule to By-Law Number 128-2010**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Offence creating provision or defining offence</b>	<b>Column 3 Set Fines (Including Costs)</b>
1	Placement of graffiti on public or private properties	Section 5.1	\$1,000.00
2	Possession of any graffiti implement with the intent to use the implement for the purpose of placing graffiti on public or private properties	Section 5.2	\$1,000.00

**Note:** The penalty provision for the offences indicated above of By-Law 128-2010, a certified copy of which has been filed.