



BYLAW NO. 1576

ANTI-GRAFFITI

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

WHEREAS the Town of Smithers wishes to adopt an Anti-Graffiti bylaw regulating the placement and unsightly accumulation of graffiti.

NOW THEREFORE be it resolved that the Council for the Town of Smithers in open meeting assembled, enacts as follows:

1. CITATION:

1.1 This bylaw may be cited as "Bylaw No. 1576 - Anti-Graffiti".

2. ADMINISTRATIVE PROVISIONS:

2.1 In this bylaw "graffiti" means one or more letters, symbols or marks, howsoever made, on any structure or thing but does not include marks made accidentally or any of the following:

2.1 a) a sign, public notice or traffic control mark authorized by the Director of Development Services;

2.1 b) a sign authorized pursuant to the Sign Bylaw;

2.1 c) a public notice authorized by a Town bylaw or by Provincial or Federal legislation;

2.1 d) in the case of private property, a letter, symbol or mark for which the owner or tenant of the property on which the letter, symbol or mark appears has given prior, written authorization.

2.2 Every owner of real property must remove from that real property any unsightly accumulation of graffiti within 10 days after the Director of Development Services causes a notice to be served upon the owner requiring such removal.

TOWN OF SMITHERS

BYLAW NO. 1576

Page 2

3. **OFFENCES:**

- 3.1 No person shall place graffiti, or cause graffiti to be placed, on any wall, fence, building or other structure located on real property on or adjacent to a street or other public place.
- 3.2 No owner or occupant of real property shall consent to the placement of graffiti on any wall, fence, building or structure that is located on such real property and adjacent to a street or other public place.
- 3.3 If an owner defaults in removing any unsightly accumulation of graffiti in compliance with Section 2.2 and the notice referred to therein, the municipality, by its workers or others, may enter the real property and effect such removal at the cost of the defaulting owner.
- 3.4 If an owner defaults in paying to the Town, within 30 days after receipt of demand for payment from the Town, the cost referred to in Section 3.3, the Town may recover from the owner, in any court of competent jurisdiction, the cost as a debt due to the Town, or direct that the amount of the cost, after certification by the Town's Financial Administrator, be inserted in the real-property tax roll as a charge imposed with respect to the real property in respect of which the Town incurred the cost.
- 3.5 Service upon an owner of the notice referred to in Section 2.2 or the demand referred to in Section 3.3 will be sufficient if the Director of Development Services mails the notice by prepaid registered post to the address shown on the then current year's real-property assessment roll for the real property on which the graffiti is located.
- 3.6 Every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction of this bylaw, and shall be liable to penalties hereby imposed.

TOWN OF SMITHERS

BYLAW NO. 1576

Page 3

4. **PENALTIES:**

- 4.1 Every person who commits an offence against a provision of this Bylaw is liable to a fine and penalty of \$100 for any offence under this Bylaw, except for an offence under Section 3.1 and 3.2 in respect of which the fine and penalty will be not less than \$500.00, and not more than \$2,000.00 for each offence.

READ A FIRST TIME THIS 11TH DAY OF MARCH, 2008.

READ A SECOND TIME THIS 11TH DAY OF MARCH, 2008.

READ A SECOND TIME, AS AMENDED, THIS 25TH DAY OF MARCH, 2008.

READ A THIRD TIME THIS 25TH DAY OF MARCH, 2008.

ADOPTED THIS 8TH DAY OF APRIL, 2008.

James A. Davidson
Mayor

Deborah Sargent
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No.1576, cited as "Bylaw
No. 1576 - Anti-Graffiti"

Deborah Sargent
Corporate Administrator (CAO)

MD/jm