

Town of Valleyview

BYLAW 2008-13

A BYLAW OF THE TOWN OF VALLEYVIEW IN THE PROVINCE OF ALBERTA 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 property;

And whereas the *Municipal Government Act* authorizes municipality to pass bylaws respecting nuisances, including unsightly property.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWN OF VALLEYVIEW, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

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

SECTION 1. – DEFINITIONS

- 1.1 “Bylaw Enforcement Officer” means any person employed by the Town of Valleyview as a Peace Officer, bylaw enforcement officer or a member of the RCMP.
- 1.2 “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;
- 1.3 “Premises” includes anything constructed or placed on, in or over land.

SECTION 2. – PROVISIONS

- 2.1 No person shall apply Graffiti.
- 2.2 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 Peace Officer.
- 2.3 In a prosecution for an offence under subsection (1) or (2), 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.

SECTION 3. – PENALTIES

- 3.1 Where a Peace 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.
- 3.2 The specified penalty payable in respect of a contravention of this Bylaw is the amount set out in Schedule “A”.
- 3.3 Pursuant to section 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Peace 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.
- 3.4 A person who contravenes subsection 3(1) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than one thousand (\$1,000) dollars and not more than ten thousand (\$10,000) dollars, or in default of payment to imprisonment for a period of not more than six (6) months.
- 3.5 A person who contravenes subsection 3(2) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than one hundred and fifty (\$150) dollars and not more than five hundred (\$500) dollars, or in default of payment to imprisonment for a period of not more than thirty (30) days.

SECTION 4. – GENERAL

- 4.1 This By-Law shall come into force and take effect on the date of final reading.

Read a first time this _____

Read a second time this _____

Read a third time and finally passed this _____

N. Adolphson, Mayor

Shari Taylor, Director of Administration

TOWN OF VALLEYVIEW

BY-LAW 2008-13

SCHEDULE "A"

PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Amount</u>
3.1	Applying Graffiti	\$1000.00
3.2	Failing to remove, paint over or otherwise permanently block Graffiti from public view	\$150.00

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.