

By-Law #1615

A By-Law in the Town of Cardston in the Province of Alberta to regulate graffiti and activities in relation to graffiti in the Town of Cardston.

WHEREAS the Municipal Government Act, R.S.A. 2000 c. M- 26, and amendments thereto permits the Council of the Town of Cardston, to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE, the Council of the Town of Cardston, in the Province of Alberta duly assembled, hereby enacts as follows:

NAME OF BYLAW

1. This By-Law may be cited as the “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 Town of Cardston as a police officer, bylaw enforcement officer or peace officer.

(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 (7) seven 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 Town of Cardston, may take such steps as they deem necessary under the unsightly property by-law to have graffiti removed from such buildings.

(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.

(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 ONE THOUSAND (\$1,000.00) DOLLARS.


5. This Bylaw will come into full force and effect on the date of final passing thereof.

Received First Reading this 17th day of July 2012.

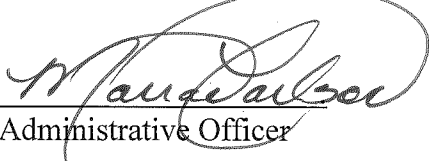
Received Second Reading this 17th day of July 2012.

Received Third and Final Reading this 14th day of August 2012.

Signed by the Chief Administrative Officer this 28 day of August 2012.



Mayor



Chief Administrative Officer

Schedule "A"

SPECIFIED PENALTIES

Subsection	Offence	Amount
3(1)	Applying Graffiti	\$100.00
	Second time in 12 month period	\$250.00
	Third time in 12 month period	\$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.