

**THE TOWN OF SWAN RIVER
BY-LAW NO. 13/2016**

**BEING A BY-LAW OF THE TOWN OF SWAN RIVER TO PREVENT UNSIGHTLINESS OF PROPERTY
BY PROHIBITING THE PLACEMENT OF GRAFFITI AND REQUIRING THAT PROPERTY BE KEPT
FREE OF GRAFFITI**

WHEREAS Section 232(1) of The Municipal Act. L.M. 1996, c.58 – Chap. M225, states a council may pass by-laws for municipal purposes respecting the following matters.

- a) the safety, health, protection and wellbeing of people, and the safety and protection of property;
- c) subject to section 233, activities or things in or on private property;

AND WHEREAS Section 233 of the Municipal Act states; A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions Only in respect of

- d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes and vibrations.

Now therefore the Council of The Town of Swan River, in Council assembled, enacts as follows:

- 1) That this by-law may be referred to as The Town of Swan River “Graffiti By-Law”
- 2) In this by-law “Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or object, howsoever made or otherwise affixed on the structure or object, but for greater certainty, does not include: (a) A sign, public notice, or traffic control mark authorized by the town. (b) A sign authorized pursuant to the sign by-law. (c) A sign, public notice, or traffic control mark authorized by regional, provincial, or Federal legislation.
- 3) No person shall place graffiti or, cause graffiti to be placed on any structure, or object in a street or other public place.
- 4) Every owner or occupier of property must remove from that property any unsightly accumulation of graffiti within 45 days after the by-law officer causes a notice to be served upon the owner or occupier requiring such removal.

- 5) If an owner or occupier of property defaults in removing any unsightly accumulation of graffiti in compliance with section 4 and the notice referred to, The Town of Swan River, by its workers or others, may enter the property and effect removal of the graffiti at the cost of the owner or occupier.
- 6) If an owner defaults in paying to The Town of Swan River, within 45 days after receipt of demand for repayment from the Town, referred to in section 5. The costs of such actions or measures are an amount owing to the Municipality by the owner of the property. In addition to all other rights of collection which the Municipality may have at law, such amounts may be collected by the Municipality in the same manner as a tax may be collected or enforced under the Municipal Act.
- 7) Every person who offends against any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act or actions which violates any of the provisions of this by-law, shall be deemed to be guilty of an infraction of this by-law, and shall be liable to penalties hereby imposed.
- 8) Every person who commits an offence against a provision of this by-law is liable to a fine and penalty of not less than \$250.00 for any offence under this by-law, except for an offence under section 3 in respect of which the fine and penalty will not be less than \$500.00 for each offence.
- 9) No person shall sell, loan or in any other manner give any graffiti implement to a minor, unless the minor is accompanied by their parent or legal guardian.
- 10) Every retailer who owns or operates a business selling graffiti products shall place a sign in direct view, stating that the selling of spray paint and permanent markers with a tip over 6mm to persons under the age of 18 years of age without parental or legal guardian accompaniment is an offence. Violators may be fined up to \$1,000.00.
- 11) Fines collected from The Town of Swan River Graffiti By-Law shall be set aside and sanctioned for free graffiti removal products to affected residents. A voucher for these products will allow property owners to obtain two brushes and up to a four litre can of paint from participating paint suppliers at no cost to paint out the graffiti on their property.

12) The provisions of this by-law shall be enforced by a Municipal By-law Officer, RCMP Officer, or any other duly appointed individual for the purpose of enforcing this by-law.

13) This by-law comes into force and takes effect on the date of its passing.

DONE AND PASSED by the Town of Swan River Council duly assembled in the Town of Swan River, in Manitoba, this 5th, day of July 2016, A.D.



Mayor



CAO

Read a first time this 17th day of May, 2016, A.D.

Read a second time this 7th day of June, 2016, A.D.

Read a third time this 5th day of July, 2016, A.D.