

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1240
(Graffiti)

A BYLAW OF THE TOWN OF MAGRATH 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 the protection of people and property;

AND WHEREAS the *Municipal Government Act* authorizes municipalities to pass bylaws respecting nuisances, including unsightly property.

NOW THEREFORE THE COUNCIL OF THE TOWN OF MAGRATH, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this Bylaw the following words have the following definitions:

- a) "Bylaw Officer" means an Enforcement Officer appointed or employed by the Town with respect to the enforcement of bylaws of the Town of Magrath;
- 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.

2. GRAFFITI PREVENTION AND ABATEMENT

- 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 seven (7) days of receiving written notice from a Bylaw Officer. If the owner or occupier fails to comply with this provision, the Town of Magrath, at their sole discretion and without further notice, may take such steps as they deem necessary to remove, paint over or otherwise permanently block from public viewing the graffiti.
- 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,

such consent must first be approved by the Town of Magrath, and the onus of proving the owner's consent rests with the person relying on the consent.

3. PENALTIES

- 1) Where a Bylaw Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, he or she may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Procedure Act R.S.A 2000 c. P-34.
 - 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 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 2(1) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine 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.
 - 5) A person who contravenes subsection 2(2) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than fifty (\$50) dollars and not more than five hundred (\$500) dollars.
 - 6) A person who contravenes subsection 2(3) of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than five hundred (\$500) dollars and not more than two thousand (\$2,000) dollars, or in default of payment to imprisonment for a period of not more than two (2) months.
4. This Bylaw comes into full force and effect upon third and final reading.

Read a first time this 22nd day of January, 2019.

Read a second time this 26th day of February, 2019.

Read a third and final time this 26th day of February, 2019.

Brenda Beck Brenda Beck
Deputy Mayor Beck

[Signature]
Chief Administrative Officer

**SCHEDULE "A"
SPECIFIED PENALTIES**

<u>Subsection</u>	<u>Offence</u>	<u>Amount</u>
2(1)	Applying Graffiti	\$2,500.00
2(2)	Failing to remove, paint over or otherwise permanently block Graffiti from public view.	\$50.00
2(3)	Graffiti applied with consent of property owner without Town consent	\$1,000.00

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.