

THE CITY OF VAUGHAN

BY-LAW

ANTI-GRAFFITI

(Consolidated Version – Enacted as By-law [46-2009](#))

Last consolidated on November 19, 2019. City of Vaughan by-laws are provided on line for convenient public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the [Amendment History](#) to get a complete listing of all pertinent regulations. For further information contact the Office of the Director and Chief Licensing Officer.

A By-law to prohibit graffiti on public and private property and to require public and private property to be kept free of graffiti.

WHEREAS the *Municipal Act, 2001* S.O. 2001, c.25, Section 9, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs, as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 128 of the *Municipal Act*, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become or cause public nuisances;

AND WHEREAS the opinion of Council of the Corporation of the City of Vaughan is that graffiti is a public nuisance;

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows.

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1.0 Authority and Short Title

- (1) This By-law was approved by [Item No. 6 of Report No. 5 of the Committee of the Whole](#) and passed by City Council on March 23, 2009. [Added by subsection 1(a) of [By-law 163-2019](#) on November 19, 2019.]
- (2) The By-law shall be known and referenced as the “Anti-Graffiti By-law.” [Added by subsection 1(a) of [By-law 163-2019](#) on November 19, 2019.]

2.0 Applicability and Scope

- (1) This By-law applies to all *Property*, including public lands, within the boundaries of the City of Vaughan. [Added by subsection 1(b) of [By-law 163-2019](#) on November 19, 2019.]
- (2) This By-law does not apply to the *Interior Space* on a *Property* or to a thing located entirely within the *Interior Space* on a *Property*. [Added by subsection 1(b) of [By-law 163-2019](#) on November 19, 2019.]

3.0 Definitions and Interpretation

- (1) In this By-law:
 - (a) “City” means the Corporation of the City of Vaughan, in the Regional Municipality of York;
 - (b) “Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains howsoever made or otherwise affixed to a property that disfigure or deface a property;
 - (c) “Interior Space” includes an interior wall, ceiling, floor and any other partition that defines the interior space;
 - (d) “Officer” means any person or persons appointed by Council to administer and enforce the provisions of this By-law and includes his or her designates and shall include a police officer appointed by the York Regional Police Service, the Ontario Provincial Police, or the RCMP;

- (e) "Owner" includes:
 - i) the person having the right, title, interest or equity in the land, or his or her agent authorized in writing;
 - ii) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let;
 - iii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property.
- (f) "Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (g) "Public Lands" means lands owned by the *City*, and shall include but not be limited to the boulevard, any highway, lane, alley, square, place, viaduct or trestle, water way or bridge, park, woodland, greenbelt, storm water management facility, open space, municipal golf course or cemetery, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk, but does not include property owned by the Regional, Provincial, Federal Government, a Crown Corporation, Hydro, Utility or Railway Company; [Added by section 1(c) of [By-law 163-2019](#) on November 19, 2019.]
- (h) "Public Place" means a place to which the public has access, as of right or by invitation, expressed or implied.

4.0 Graffiti Prohibited

- (1) No person shall place, or cause, or permit *Graffiti* to be placed on any *Property*
- (2) The *Owner* of a *Property* shall maintain the *Property* free of *Graffiti*.
- (3) The *Owner* of a wall, fence or other structure or thing, in a highway or other *Public Place* not included in the definition of *Property* in Part 3.0, shall maintain the wall, fence, or structure or thing free of *Graffiti*.

5.0 Notice to Comply

- (1) An *Officer* who finds a contravention of this By-law may give written notice to the *Owner* of the *Property*, structure or thing, as described in section 4.0, requiring immediate compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the notice.
- (2) The notice may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the 3rd day after it is mailed.

- (3) If there is evidence that the person in possession of the *Property* is not the registered *Property Owner*, the notice shall be served on both the registered *Property Owner* and the person in possession of the *Property*.
- (4) If the address of the *Owner* is unknown, or the *City* is unable to effect service on the *Owner* or occupant under section 5.0(2), a placard stating the terms of the notice and placed in a conspicuous place upon the land on or near the *Property*, structure or thing shall be deemed to be sufficient notice to the *Owner*.

6.0 Penalties

- (1) Every person who is convicted of an offence under this By-law or fails to comply with a notice to comply under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33. [Added by subsection 1(d) of [By-law 163-2019](#) on November 19, 2019.]
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law or fails to comply with a notice to comply made under this By-law is guilty of an offence.
- (3) A person who is convicted of an offence is liable on first conviction to a fine of not less than \$400 and not more than \$20,000, and is liable on subsequent convictions to a fine of not less than \$400 and not more than \$50,000.
- (4) A corporation that is convicted of an offence is liable on first conviction to a fine of not less than \$400 and not more than \$50,000, and is liable on subsequent convictions to a fine of no less than \$400 and not more than \$100,000.
- (5) In addition to the fines in sections 8.0(3) and 8.0(4), a person convicted of a subsequent offence is liable to a fine not more than \$1,000 for each day or part of the day on which the contravention has continued after the day on which the person was first convicted.

7.0 Failure to Comply; Removal by City; Costs

- (1) If an owner fails to comply with a notice given under Part 5.0 the *City's* representatives may enter upon the lands at any reasonable time for the purposes of doing the things described in the notice.
- (2) Costs incurred by the *City* in doing the work required to be done by the notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

8.0 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of *Council* in enacting this By-law that the remainder of this By-law shall continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law. [Added by subsection 1(e) of [By-law 163-2019](#) on November 19, 2019.]

9.0 Force and Effect

(1) This By-law shall come into force and effect on the date enacted by Council.

Enacted by City of Vaughan Council this 23rd day of March, 2009.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by [Item No. 6 of Report No. 5
of the Committee of the Whole](#)
Adopted by Vaughan City Council on
February 24, 2009.

