

BY-LAW 06-2010

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REGULATE THE CONDITION OF PROPERTY WITHIN THE CORPORATION OF THE TOWN OF CARLETON PLACE

WHEREAS Section 130 of the Municipal Act S.O. 2001 permits a municipality to adopt a by-law to regulate matters not specifically provided for by the said Act, for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS there is in effect in the Town of Carleton Place an Official Plan which includes provisions relating to standards for the maintenance of property;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place hereby enacts as follows:

1. This By-law may be cited as "The Graffiti Removal By-law".

2. In this By-law;

"Art Mural" shall be defined as a decorative mural that is painted or affixed directly on to a designated surface or location as an expression of public art and implemented for the purpose of beautifying the specific surface or location;

"Graffiti" shall be defined as one or more letters, symbols, etchings, figures, inscriptions, scratches, stains or other markings howsoever made or otherwise affixed that disfigures or defaces a structure or thing but for greater certainty does not include:

- a. a sign, public notice or traffic control mark authorized by the Town, County of Lanark or by provincial or federal law; and
- b. an art mural authorized by the Council of the Town of Carleton Place or their designate.

"Interior Space" shall be defined as an interior wall, ceiling, floor and any other partition that defines the interior space of a property;

"Owner" shall be defined to mean the registered owner of the property, either real or mobile;

"Property" shall be defined as a building or structure or any part of a building or structure and includes the lands and premises appurtenant thereto and all outbuildings, fences, mobile buildings, structures, signs and service boxes;

"Service Box" means any container designed or intended for the deposit and removal of items;

3. All Property, within the Town of Carleton Place, shall be kept free of all graffiti with the following exceptions:

- picnic tables;
- bridge abutment walls; and
- Town's water tower.

4. Owners are required to remove graffiti from their property within 7 days. Owner's are encourage to report all graffiti incidents to the police.

4.1 This By-law does not apply to interior spaces.

5. Upon receipt of a report of graffiti, a By-Law Enforcement Officer will inspect the property.

6. If, upon inspection of a property, the By-law Enforcement Officer determines that the property contains graffiti, the said By-law Enforcement Officer shall:
 - (a) contact the registered owner or owners of the said property and formally advise the same that their property does not conform to the provisions of this By-law

 - (b) and deliver by hand or registered mail, a Notice as appended hereto as Schedule 'A'.

7. The property owner has seven days from the date the Notice was sent to conform to the provisions of this By-law if they reside in Town, and ten days to conform to the provisions of this By-law if they reside out of Town.

If after the above noted period the property still does not conform to the provisions of this By-law, the By-law Enforcement Officer shall:

Arrange to have the graffiti removed so that the property conforms to the provisions of this by-law. This work may be performed by either municipal staff or by a private contractor and the Municipality shall invoice the owner, or owners, for the cost to perform all work along with a \$50.00 administrative fee for compensation for all work and time incurred to remedy the violation.

Said costs and administrative fee may be recovered by action or by adding them to the tax roll and collecting them in the same manner as taxes.

8. This by-law shall come into force and effect June 1st, 2010.

READ A FIRST TIME, A SECOND TIME, AND A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF FEBRUARY 2010

Paul Dulmage, Mayor

Duncan Rogers, Clerk

SCHEDULE 'A' TO BY-LAW 06-2010

NOTICE OF VIOLATION OF GRAFFITI BY-LAW

Property Description: _____

Property Owner: _____

Owner's Address: _____

Property Inspection of _____ at _____ a.m./p.m.

By-law 06-2010 of the Town of Carleton Place provides that:

All graffiti must be removed from property.

Description of Violation

NOTICE

Your attention is directed to the above violation of By-law No. 06-2010 and you are requested to take immediate action to comply with the By-law requirements.

If no action is taken to correct the violation prior to _____, the Municipal Employee and/or By-law Enforcement Officer, shall arrange to have the violation corrected and the cost involved shall be invoiced to the property owner.

No response to this notice shall be deemed to be permission from the property owner to proceed to have the violations corrected and the costs invoiced.

Contact - Municipal Employee and/or By-law Enforcement Officer - 613-257-5688.

Date of Notice

Municipal Employee and/or
By-law Enforcement Officer