

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 163-2019

A By-law of the Corporation of the City of Vaughan to amend the Anti-Graffiti By-law 046-2009, as amended.

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 the Municipal Act, 2001 S.O. 2001, c.25, Section 128, 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:**

1. That Anti-Graffiti By-law 046-2009 be amended as follows:
 - (a) the "Title" section be replaced with an "Authority and Short Title" section, as follows:
 - 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.
 - (2) The By-law shall be known and referenced as the "Anti-Graffiti By-law."
 - (b) an "Applicability and Scope" section be added, as follows:
 - 2.0 Applicability and Scope
 - (1) This By-law applies to all Property, including *Public Lands*, within the boundaries of the City of Vaughan.

(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.

(c) Adding the following definition:

“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;

(d) the following provision be added to the Part on 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.

(e) a “Severability” section be added, as follows:

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.

Enacted by City of Vaughan Council this 19th day of November, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 11 of Report No. 24
Of the Committee of the Whole
Adopted by Vaughan City Council on
October 2, 2019.