

**CITY OF THOMPSON**  
**BY-LAW NUMBER #1739-2007**

A BY-LAW of the City of Thompson to prevent unsightliness of property by prohibiting the placement of graffiti and requiring that property be kept free of graffiti.

WHEREAS the City of Thompson is empowered by Part 7, Division 2, of The Municipal Act, RSM 1996, CM225, authorizes municipalities to pass by-laws respecting the safety, health, protection and well-being of people, and the safety and protection of property.

AND WHEREAS Part 7, Division 2, of The Municipal Act, RSM 1996, CM225, authorizes a municipality to pass by-laws respecting activities or things in or on private property.

NOW THEREFORE, the Council of The City of Thompson, duly assembled, enacts as follows:

1. **TITLE:**

This By-law may be referred to as the City of Thompson Graffiti By-law.

2. **DEFINITIONS:**

In this By-law;

**“By-law Enforcement Officer”** means any person employed by the City of Thompson as a police officer, by-law enforcement officer, special constable, or a member of the R. C. M. Police.

**“City”** means the Corporation of the City of Thompson.

**“Graffiti”** means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing, but does not include any of the following;

- i) A sign, public notice, or traffic control mark authorized by the City.
- ii) A sign authorized pursuant to the City of Thompson Zoning By-law.
- iii) A sign, public notice or traffic control mark authorized by Provincial or Federal law.
- iv) Letters, symbols, marks, pictorial representations, messages or slogans howsoever made on any property, authorized by the owner of said property.

**“Owner”** means the registered owner of the land and premises and includes:

- (i) the person that for the time being is managing or receiving the rent of the land or premises in connection with which the word “owner” is used, whether on this own account or as agent or trustee of any other person; or
- (ii) the person who would so receive the rent if such land and premises are let; or
- (iii) the vendor of such land under an agreement for sale who has paid any land taxes thereon after the effective date of the agreement; or
- (iv) the person that for the time being is receiving installments of the purchase price of the land or premises under an agreement for sale whether on his own account or as an agent or trustee of any other person; or
- (v) the person who would so receive the installments of the purchase price is such land or premises were sold under an agreement for sale.

**“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.

**“Public Place”** means a place to which the public has access, as of right or by invitation, expressed or implied.

3. **GRAFFITI PREVENTION AND ABATEMENT:**

- (1) No person shall apply Graffiti.
- (2) Every owner or occupier of Property shall ensure that Graffiti applied on the Property is removed, painted over, or otherwise permanently blocked from public view within three (3) working days of receiving written notice from a By-law Enforcement Officer.
- (3) Everyone who, without lawful excuse, the proof of which lies on him, has in his possession any instrument suitable for the purpose of applying graffiti under circumstances that give rise to a reasonable inference that the instrument has been used, or is, or was intended to be used for any such purpose, is guilty of an offense.

- (4) In a prosecution for an offence under subsection (1) or (2), if the defendant seeks to rely on the graffiti being made with the consent of the owner of the Property, the onus of proving the owners consent rests with the person relying on consent.

4. **PENALTY PROVISION:**

As specified in Schedule "A"

5. **NOTICE OF VIOLATION:**

As specified in Schedule "B"

6. **SCHEDULES:**

Council may, by Resolution, make any changes it deems appropriate to the schedules attached to this By-law.

7. **ENACTMENT:**

This By-law shall come into full force and take effect on the day following the third reading of this By-law.

Read a first time 27<sup>th</sup> day of August, 2007 A.D.

Read a second time this 9<sup>th</sup> day of June, 2008 A.D.

Read a third time this 9<sup>th</sup> day of June, 2008 A.D.

DONE AND PASSED by Council of the City of Thompson duly assembled this 9<sup>th</sup> day of June, 2008 A.D.

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MAYOR

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CITY MANAGER

**SCHEDULE “A”  
TO BY-LAW 1739-2007**

**SPECIFIED PENALTIES**

1. Every person who contravenes or refuses, or fails to obey or observe, any provision of this by-law is guilty of an offense and liable on summary conviction to a fine of \$100.00.
2. Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a continuing offense and liable to a minimum additional fine of \$50.00 for each day that the offence continues.
3. Every person who obstructs or interferes with an Inspector in the performance of their duties under this by-law is guilty of an offense and is liable on summary conviction to the same penalties as set out in subsection 1.
4. The City may, at it’s discretion, where any owner, agent, lessee or occupier has been given a notice by an Enforcement Officer, to do any act or thing to remedy any situation or condition existing on his property contrary to any part of this by-law and subsequently neglects or refuses to comply with such order or direction within the time specified, choose to order the work carried out and charge the cost of the work done to the owner, agent, lessee, or occupier and in default of payment;
  - ( i) recover the cost as a debt due to the City;  
and / or
  - (ii) charge the cost against the land concerned as taxes due and owing in respect of that land and recover the costs as such.

**SCHEDULE "B"**  
**TO BY-LAW 1739-2007**



226 Mystery Lake Road  
Thompson, MB R8N 1S6  
Phone (204) 677-7904  
Fax (204) 677-7939

Dear Sir/Madam:

An inspection was made of your property at \_\_\_\_\_

on \_\_\_\_\_ 20 \_\_\_\_\_

Under authority of the **City of Thompson Graffiti By-law #1739-2007:**

**Section 3. (1)**  
"No person shall apply Graffiti."

**Section 3. (2 1)**  
"Every owner or occupier of Property shall ensure that Graffiti applied on the Property is removed, painted over, or otherwise permanently blocked from public view within three (3) days of receiving written notice from a By-law Enforcement Officer."

Your property does not comply with the above By-law as noted. Please make arrangements to **remove all graffiti within seven three (7 3) working days from the date of this Notice.**

1. Every person who contravenes or refuses, or fails to obey or observe, any provision of this by-law is guilty of an offense and liable on summary conviction to a fine of \$100.00.
2. Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a continuing offense and liable to a minimum additional fine of \$50.00 for each day that the offence continues.

Thank you for your co-operation.

\_\_\_\_\_  
By-law Enforcement Officer