



BY-LAW NUMBER 242-2010

BY-LAW NUMBER 242-2010 ON THE CONTROL OF TAGS AND GRAFFITI IN GATINEAU

WHEREAS the *Municipal Powers Act* authorizes municipalities to make by-laws on nuisances;

WHEREAS, in the opinion of the Municipal Council of Ville de Gatineau, tags and graffiti are a public nuisance and should be controlled;

AND WHEREAS notice of presentation number AP-2010-1123, which is to precede the adoption of this by-law, was issued at the November 30, 2010 session of the Municipal Council;

NOW THEREFORE the Municipal Council of Ville de Gatineau enacts the following:

CHAPTER 1 **INTERPRETATION AND APPLICATION**

1. Unless otherwise indicated by the context, the following expressions and words mean and represent:
 - 1° **“Gatineau”**: Ville de Gatineau or the territory of Ville de Gatineau, as appropriate to the context;
 - 2° **“Graffiti”**: A form of graphic, art, writing, engraved or painted drawing;
 - 3° **“Owner”**: The owner of the premises, his or her agent, his or her trustee or the tenant or occupant of the premises who is responsible for repairing or maintaining the premises;
 - 4° **“Premises”**: A building and its accessories;
 - 5° **“Property”**: The building or structure, in whole or in part, including the premises;
 - 6° **“Public right-of-way”**: Land maintained by or for a public organization and that is used for traffic, in particular but not limited to, a road, street, sidewalk, bridge, pedestrian pathway, bike path, snowmobile trail, hiking trail, or public parking lot;

7° **“Responsible official”**:

- a) the service centre directors and their representatives;
- b) the directeur du Service des loisirs, des sports et du développement des communautés and his or her representatives;

8° **“Tag”**: Personal signature that is often illegible (a coded graphic that constitutes a signature or a sign of recognition);

- 2. This by-law applies throughout Gatineau.
- 3. This by-law targets tags and graffiti measuring 30 cm or more in diameter that are visible from the public right-of-way and are located on the outside wall of a property or a structure located on the premises.
- 4. This by-law does not apply to:
 - 1° walls and tunnels that have been approved by Gatineau and visibly identified by a sign thereon as being an approved site for graffiti;
 - 2° rollerblading parks and the furnishings inside these parks; and
 - 3° murals approved by Gatineau.

CHAPTER 2

PERMITS AND TERMS AND CONDITIONS

- 5. Owners must obtain a permit from Gatineau if they wish to apply graffiti or have graffiti applied to an outside wall of their property or on a structure located on their premises.
- 6. A permit application shall be submitted to the responsible official before the graffiti is applied.
- 7. A permit application shall be in writing and shall contain the following information:
 - 1° a document identifying and proving the identity of the owner of the property where the graffiti is to be applied;
 - 2° a sketch of the graffiti; and
 - 3° the names of the persons designated as responsible for the premises and their contact information.
- 8. The responsible official shall issue a permit for any application that complies with this by-law. The responsible official shall indicate on the permit the premises where the graffiti is to be applied, along with a description thereof.
- 9. Permits shall be issued in the name of the owner who intends to apply the graffiti or have the graffiti applied to an outside wall on his or her property, or on a structure located on his or her premises.
- 10. The responsible official shall not issue a permit in the following cases:
 - 1° one of the conditions for issuing a permit is not met;

- 2° the property designated for the application of the graffiti is not eligible because of zoning or building restrictions;
- 3° the permit application was submitted in the name of someone other than the owner; and
- 4° false information was provided by the applicant.

CHAPTER 3
TAGS AND GRAFFITI ON A PROPERTY

11. Unless they have a permit for the application of graffiti in accordance with the by-law, owners shall keep their properties clear of tags and graffiti.

CHAPTER 4
POWERS OF AN OFFICIAL

12. The responsible official is authorized to visit and inspect any property for the purpose of enforcing this by-law in order to ensure compliance with its provisions.

If so requested, the responsible official who is inspecting a property shall show his or her ID and the certificate issued by Gatineau that attests to his or her authority.

13. An owner, tenant or occupant of a property shall grant the responsible official access and shall permit the official to proceed with his or her inspection. A person who is present during such an inspection shall refrain from insulting, molesting, intimidating or threatening the responsible official, and at no time interfere in any manner with the official's work.
14. In the event of a violation of the by-law, the responsible official shall notify the owner in writing to discontinue the commission of any nuisance identified under section 11 within 10 days of receiving the notice.

The nuisance shall be deemed to have been discontinued once the owner has:

- 1° obtained a permit to apply the graffiti; or
 - 2° concealed, removed or cleaned up the surface to which the tag or graffiti was applied.
15. At the same time as the responsible official gives the owner the notice, the official shall provide the owner information on ways to remove the tag or graffiti.
16. Any notice under this by-law shall be served in accordance with sections 338 to 343 of the *Cities and Towns Act*, R.S.Q. c. C-19.
17. When the time period referred to in section 14 expires, the responsible official shall perform a second inspection of the property. Unless the owner has discontinued the nuisance within the time period indicated in section 14, a final notice shall be served on the owner instructing him or her to discontinue the nuisance within five days after receiving this notice.

18. If the owner fails or neglects to comply with the notice mentioned in section 17, the responsible official may enter the property at any reasonable hour to carry out the necessary work to discontinue the nuisance, and any costs incurred, including the administrative costs, shall be invoiced to the owner.

These costs shall be included with the property tax and, in the event of failure to pay the amount invoiced, shall be claimed along with the overall property tax.

19. Notwithstanding the time periods indicated in sections 14 and 17, the obligation to discontinue the nuisance within the time period shall be suspended between November 1 and April 15.

CHAPTER 5
COMING INTO FORCE

20. This by-law comes into force pursuant to the Act.

**BY-LAW ADOPTED BY THE MUNICIPAL COUNCIL ON
DECEMBER 7, 2010**

PATRICE MARTIN
COUNCILLOR AND CHAIR OF THE
MUNICIPAL COUNCIL

SUZANNE OUELLET
GREFFIER