

Community Standards Bylaw Policy Review

The City is developing a Community Standards Bylaw (CSB). The CSB will serve to regulate and enable activities that pertain to the safety, health and welfare of residents on private and public property.

To inform a policy discussion on each of the topics, information has been assembled in the template below on what the current local context is, what other comparator municipalities have done, Administration's recommendations concerning minimum standards, as well as potential financial and operational implications.

TOPIC NAME: Graffiti Prevention and Abatement (NEW)

1. CURRENT SPRUCE GROVE BYLAW

Spruce Grove does not currently have a bylaw on graffiti prevention and abatement when it comes to private properties. Similarly, it does not have a bylaw related to graffiti on public property, but it does have a process on how it is addressed.

2. SPRUCE GROVE CONTEXT

Enforcement Services indicates that the graffiti issue in Spruce Grove is not higher than other jurisdictions and would be considered normal for a city of our size and demographic. This issue is often cyclical in that there may be an individual who vandalizes several properties and then either moves on or is caught and it subsides for a length of time.

Most private owners take care of graffiti on their own so the bylaw would apply to those that do not clean up in a reasonable time frame. Enforcement works closely with the RCMP to track and catch offenders, and this would continue as there are stronger provisions in the Criminal Code than in any bylaw to deal with those that are caught; however, if this section was included in the CSB, there would be an option between a charge under the CSB (ES or RCMP) or a Criminal Code charge (RCMP).

The only potential risk is there could be property owners that are regularly targeted who would be incurring costs to clean up but then filing complaints and requesting deterrence measures from the City (patrols, more policing, etc.).

The benefit for including this section in a CSB will not be in any decrease in graffiti, but rather in the ability to have owners deal with it on their property. Therefore, the benefit is not in graffiti reduction but rather community aesthetics.

3. OTHER JURISDICTIONS

Some municipalities include exceptions for residents who want graffiti on their own property out of public view, and graffiti artwork as opposed to "tagging".

Edmonton

- No person shall place or cause graffiti to be placed on a building, structure, or vehicle if the graffiti is visible from any surrounding property ([Edmonton CSB](#), s. 9.1)

Beaumont

- No person shall place or create graffiti.
- Peace Officer may instruct to leave or surrender graffiti instrument.
- 72 hours for graffiti removal or as directed by Peace Officer ([Beaumont CSB](#), ss. 20-22)

Strathcona County

- A person shall not place graffiti, or cause, permit, or allow graffiti to be placed, on any building, structure, vegetation, or thing.
- The owner of a property shall not permit graffiti to be placed on any building, structure, fence, vegetation, or other thing so that the graffiti is adjacent to a street or a public place.
- The Chief Commissioner may give notice to the owner of a property to remove graffiti that is on a building, structure, vegetation, or thing on that property.
- The owner of a property must remove any graffiti from that property within the time period specified in the notice to remove the graffiti ([Strathcona CSB](#), ss. 20-23)

St. Albert

- Graffiti is treated as a nuisance under buildings section ([St. Albert CSB](#), s. 7 (2) (b))

4. ADMINISTRATION'S RECOMMENDATIONS

Minimum Standards

Criteria to be considered includes visibility and time limits for removal.

- The criteria should apply to private and municipal property.
- If private and public property are to be treated equally, 21 calendar days is recommended by Administration as the minimum time standard for removal.

Committee Question: Is there a desire to add any additional standards with respect to graffiti prevention and abatement?

Other Recommendations

Administration recommends adapting Strathcona's bylaw language. The owner of a property must remove any graffiti from that property within the time period specified in the notice. The proposed bylaw wording would allow officers to deal with a rare case where a person would be caught during commission of an offence.

With respect to visibility, Administration recommends using Edmonton's language about graffiti being visible from any "surrounding property" as this is stronger than Strathcona County's language of "adjacent street or public property." "Any visibility" is a higher standard.

5. FINANCIAL AND OPERATIONAL IMPLICATIONS

No financial implications are expected.

There may be some increased public complaints but very little graffiti takes place on private property so Enforcement Services would be dealing with the same level of incidence on public property. It is not anticipated that the bylaw will reduce these numbers.