

# Bylaw 19690

## Amendments to the Community Standards Bylaw and Public Places Bylaw

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### Recommendation

That Community and Public Services Committee recommend to City Council:

That Bylaw 19690 be given the appropriate readings.

### Purpose

The purpose of this bylaw is to amend Bylaw 14600 Community Standards Bylaw to create a section and fine for placing graffiti on public and private property.

### Readings

Bylaw 19690 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 19690 be considered for third reading.”

### Position of Administration

Administration supports this Bylaw.

### Previous Council/Committee Action

At the February 8, 2021, City Council meeting, the following motion was passed:

That Administration prepare bylaw amendments to create an offence for placing or causing the placement of graffiti on private and public property without permission, including a fine for \$1,000, and return to Community and Public Services Committee.

### Report Summary

This report recommends approval of a new offence within Bylaw 14600 - Community Standards Bylaw that will address individuals placing graffiti on private or public

property. The fine amount of \$1,000 is consistent with other municipalities and other penalties set out in the Community Standards Bylaw.

**Report**

The *Municipal Government Act* allows municipalities to create offences for breaches of municipal bylaws and set fines for those offences, not exceeding \$10,000. The only graffiti-related regulations in Bylaw 14600 - Community Standards Bylaw requires that property owners remove graffiti in a timely manner. There is currently no bylaw offence for anyone who creates graffiti without permission.

Given this gap and a need to focus on the individual that creates the graffiti, Administration recommends amendments to the Community Standards Bylaw to address this type of violation and that the fine for this offence is set at \$1,000 (Attachment 1).

The fine amount of \$1,000 would be proportional to the offence and consistent with other jurisdictions. Fines are generally set based on the principles that any fine amount should be proportionate to the severity of the offence and act as a deterrent or sanction. In some cases, lower fine amounts can be seen to be insufficient to act as deterrents or be a suitable punishment. Conversely, excessive fine amounts may cause reluctance to issue tickets or convict violators and may create increased court challenges or a perception of heavy-handedness.

**Corporate Outcomes and Performance Management**

<b>Corporate Outcome(s):</b> Edmonton is a safe city			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
Edmonton programs and services promote a clean, graffiti-free environment.	Number of graffiti vandalism tags according to Graffiti Audit report	2019: 2,408 2018: No audit 2017: 1,947 2016: 1,575	10 percent reduction in graffiti tags
	Number of applications to use the Professional Cleaning Program	2019: 499 2018: 462 2017: 366 2016: 264	10 percent increase in applications

**Public Engagement**

Public engagement was not conducted for this report.

### **Budget/Financial Implications**

Fine revenues arising from the proposed bylaw amendments are expected to be minimal as the focus is to deter graffiti vandalism from occurring in the first place. Administration will monitor actual revenues and adjust future budgets, as appropriate, if fines arising from the proposed bylaw amendments become material.

### **Legal Implications**

Authority for these bylaw amendments is granted by Sections 7(i)(i) and 7(i)(ii) of the *Municipal Government Act*.

### **Attachment**

1. Bylaw 19690

### **Others Reviewing this Report**

- G. Cebryk, Deputy City Manager, City Operations
- C. Owen, Deputy City Manager, Communications and Engagement
- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- K. Fallis-Howell, Acting City Solicitor