THE CITY OF WINNIPEG

BY-LAW NO. 204/2007

A By-law of THE CITY OF WINNIPEG to reduce random graffiti by prohibiting sale of spray paint to minors and the possession of spray paint in public places by minors.

WHEREAS graffiti is a blight on properties in the City of Winnipeg;

AND WHEREAS graffiti is frequently applied to buildings and other structures through the use of spray paint;

AND WHEREAS minors are more likely than adults to engage in the application of graffiti;

AND WHEREAS, in addition to providing funds for graffiti removal, the City of Winnipeg desires to take proactive steps to prevent graffiti from occurring;

AND WHEREAS section 130 of *The City of Winnipeg Charter* provides that the Council of the City of Winnipeg may pass by-laws respecting unsightly buildings and premises as well as buildings and premises which, because of their condition or appearance, may substantially depreciate the value of other land and buildings in the vicinity;

AND WHEREAS section 134 of *The City of Winnipeg Charter* provides that the Council of the City of Winnipeg may pass by-laws respecting the protection and safety of property;

AND WHEREAS section 135 of *The City of Winnipeg Charter* provides that the Council of the City of Winnipeg may pass by-laws respecting people, activities and things in, on or near public places or places open to the public;

AND WHEREAS section 148 of *The City of Winnipeg Charter* provides that the Council of the City of Winnipeg may pass by-laws respecting businesses, which may include provisions prohibiting businesses from dealing with minors and provisions respecting standards and requirements for businesses in respect of the exhibiting, selling, offering for sale, providing and offering to provide goods;

THEREFORE, THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1. This By-law may be referred to as the “Graffiti Control By-law”.

Definitions
2. In this By-law,

"minor" means a individual under the age of 18 years;

"public place" includes a park, community club, recreation and leisure facility, private club, street, restaurant, store, shopping or business mall, theatre, and a public facility of any kind;

"spray paint" means any aerosol container that is made or adapted for the purpose of applying paint or another liquid colouring material to a surface;

"spray paint retailer" means any person that carries on a business that sells or offers to sell spray paint to the public.

Sale of spray paint to minors prohibited
3. A person may not sell spray paint to a minor unless the minor is accompanied by his or her parent or guardian who approves of the purchase.

Possession of spray paint by minors prohibited
4. A minor may not have spray paint in his or her possession in a public place unless the minor is under the supervision of a parent, guardian, school teacher, employer or other adult in a similar relationship.

Spray paint retailer must post sign
5. A spray paint retailer must ensure that a sign in a form approved by the Director of Public Works, which states that the sale of spray paint to minors is prohibited by by-law, is conspicuously posted and visible to the public near the place where spray paint is sold.

Spray paint must be secured by retailer
6. A spray paint retailer must ensure that spray paint is kept in a secure storage space that is locked or otherwise inaccessible to the public except when the spray paint is under the direct control or supervision of the owner or an employee of the business.

DONE AND PASSED, in Council assembled, this day of , 2007.

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Mayor

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City Clerk

Approved as to content:

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Director of Public Works

Approved as to form:

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for City Solicitor/Manager of Legal Services