

BY-LAW 2312-1

**BY-LAW 2312-1 AMENDING BY-LAW 2312
ENTITLED: "BY-LAW CONCERNING
GRAFFITI" IN ORDER TO PROHIBIT THE
MAINTAINING OF GRAFFITI ON PRIVATE
PROPERTY AND TO AMEND THE
AMOUNTS ASSOCIATED WITH
INFRACTIONS**

At the Regular Council Meeting of the Côte Saint-Luc City Council, held at
5801 Cavendish Boulevard, Côte Saint-Luc, Monday July 11, 2022 at 8:00 p.m., at
which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., LL.B.

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Mitch Kujavsky, B. Comm.

Councillor Andee Shuster

ALSO PRESENT:

M^e Jonathan Shecter, City Manager and Director of Legal Services and
City Clerk

WHEREAS a notice of motion for the present By-Law was given at the Regular Sitting of Council to held on June 13, 2022;

THAT it be ordained and enacted by By-Law 2312-1 entitled: "By-law 2312-1 amending By-law 2312 entitled: "By-law concerning graffiti" in order to prohibit the maintaining of graffiti on private property and to amend the amounts associated with infractions", as follows:

ARTICLE 1

Article 1 of By-Law 2312 is hereby amended by replacing it with the following:

"ARTICLE 1 :

The following constitutes a nuisance, and everyone is prohibited from:

- drawing graffiti or tags, or making marks on a building located on private property;
- drawing graffiti or tags, or making marks on a building located on public property, on the public property itself, or on any object which constitutes a piece of urban furniture;
- transporting, using or being in possession of any object or material with a view to drawing tags or graffiti.
- affixing, cause to be affixed or permit the affixing of graffiti on private property or on the public domain;
- preserving graffiti on one's property."

ARTICLE 2

By-Law 2312 is hereby amended by the addition of Article 1b, which reads as follows:

"ARTICLE 1b - DEFINITION

- "Graffiti": one or more drawings, symbols, letters, signatures (tag), engravings (schraffiti), figures, inscriptions, stains, in any way produced and affixed, or other marks affixed to a property."

ARTICLE 3

By-Law 2312 is hereby amended by the addition of Section 1c, which replaces Section 2b of By-Law 2138-1 entitled: "By-law 2138-1 amending By-law 2138 amending various by-laws to modify the penalty for an offence in order to create a fine for By-law 2312 entitled: " By-law concerning Graffiti ", and which reads as follows:

“Article 1c

Any person who contravenes any provision of this by-law, or tolerates or permits such contravention, shall be guilty of an offence and shall be liable to the following fine, plus costs, and in default of immediate payment of said fine and costs within such time as the judge may direct, the said judge shall impose the penalties and order the implementation of the procedures for the execution of the judgment as set out in the Code of Penal Procedure, C.Q.L.R., c.C-25-1 :

- a) for a first infraction: a minimum of TWO HUNDRED FIFTY DOLLARS (\$250.00) and a maximum of ONE THOUSAND DOLLARS (\$1,000.00) if the offender is a physical person or a minimum of FIVE HUNDRED DOLLARS (\$500.00) and a maximum of TWO THOUSAND (\$2,000.00) if the offender is a moral person;
- b) for a repeat infraction within two (2) years of the first infraction (Section 236 of the *Code de Procédure Pénale*): a minimum of FIVE HUNDRED DOLLARS (\$500.00) and a maximum of TWO THOUSAND DOLLARS (\$2,000.00) if the offender is a physical person or a moral person or a minimum of ONE THOUSAND DOLLARS (\$1000.00) and a maximum of FOUR THOUSAND DOLLARS (\$4000.00) if the offender is a moral person.

If the infringement continues, the offender shall be liable to the fine and penalty above-mentioned for each day until the infringement ceases.”

ARTICLE 4

This by-law comes into force according to the law.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Jonathan Shecter

JONATHAN SHECTER
CITY CLERK

CERTIFIED TRUE COPY

**JONATHAN SHECTER
CITY CLERK**

PROVINCE OF QUÉBEC
CITY OF CÔTE SAINT-LUC

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ADOPTED ON : July 11, 2022

IN FORCE ON : August 10, 2022

CERTIFIED TRUE COPY