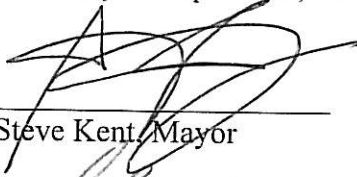


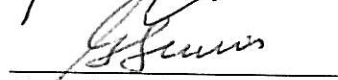
PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the City of Mount Pearl Act, RSN 1990, Chapter C-16, Section 278, 279 & 280, the following regulations have been made by the City Council of the City of Mount Pearl and were approved on the 16th day of October 2007 A.D.

In accordance with Section 39, Notice of Motion to adopt amendments to the regulations was given at the City's regular Public Council meeting held on the 4th day of September, 2007 A.D.



Steve Kent, Mayor



Gerard Lewis, CAO

GRAFFITI, LOITERING, PUBLIC BEHAVIOUR AND VANDALISM

1. Title

These regulations shall be known and cited as "*The City of Mount Pearl Graffiti, Loitering, Public Behavior and Vandalism Regulations*".

2. Interpretation

- (a) "City" means the City of Mount Pearl;
- (b) "Graffiti" means one or more letters, symbols or marks, howsoever made, on any structure or thing, but do not include any of the following:
 - (i) a sign, symbol, public notice or traffic control mark authorized by the City;
 - (ii) a sign authorized pursuant to the Sign regulation;
 - (iii) a public notice authorized by a City regulation or by Provincial or Federal legislation;
 - (iv) in the case of private property, a letter, symbol or mark for which the owner or tenant of the property on which the letter, symbol or mark appears has given prior, written authorization,
- (c) "Loitering" means any unlawful gathering of individuals or groups at any public or private facilities, grounds, streets or sidewalks, deemed to be under the control of the City; and any gathering of individuals or groups at any public or private

facilities, grounds, streets or sidewalks where signage clearly indicated loitering is prohibited.

- (d) “*Vandalism*” means any willful and unlawful act by any individual or group that result in damage or theft of public or private property.
- (e) “*Public Place*” means any place within the City to which the public may have either express or implied access.
- (f) “*Defecate*” means to discharge waste matter from the bowels.
- (g) “*Fight*” means any confrontation involving violent physical contact between two or more people.
- (h) “*Spit*” means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.
- (i) “*Urinate*” means to discharge urine from the body.

3. Graffiti

- a) No person shall place graffiti, or cause graffiti to be placed, on any wall, fence or other structure or thing in any street or other public place.
- b) No person shall place graffiti, or cause graffiti to be placed, on any wall, fence, building or other structure located on real property and adjacent to a street or other public place.
- c) No owner or occupant of real property shall permit graffiti to be placed on any wall, fence, building or structure that is located on such real property and adjacent to a street or other public place.
- d) Every owner of real property must remove from that real property any unsightly accumulation of graffiti within 10 days after the City of Mount Pearl causes a notice to be served upon the owner requiring such removal.
- e) If an owner defaults in removing any unsightly accumulation of graffiti in compliance with section 6 and the notice referred to therein, the City, by its workers or others, may enter the real property and effect such removal at the cost of the defaulting owner.
- f) Service upon an owner of the notice referred to in Section 6 or the demand referred to in Section 7 will be sufficient if the City of Mount Pearl mails the notice by certified mail to the address shown on the then current year’s real-property assessment roll for the real property and/or posted on the property on which the graffiti is located.

4. Fighting

No person shall participate in a fight in or on any public place or in public on any private property.

5. Urination and Defecation

No person shall defecate or urinate in or on a public place or in public on any private property.

6. Spitting

No person shall spit on any street, sidewalk, pathway, trail, or in or on any public place or in public on any private property.

7. Loitering

- a) No person shall loiter in a public place and thereby obstruct any other person.
- b) No person shall stand or put his/her feet on the top or surface of any table, bench, planter or sculpture placed in any public place.

8. Penalties

- a) Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - (i) Shall be liable on summary conviction to a fine in accordance with The City of Mount Pearl Act, Section 438.
 - (ii) Notwithstanding section 13 (i) (ii), in the case of individual or group is caught defacing/abusing public property, using offensive language, or being a public nuisance, the following actions may be taken.
 - (iii) Vandalism First Offense: Person or persons will be banned from City Facilities for three months.
 - (iv) Vandalism Second Offense: Person or persons will be banned from City facilities for one year.
 - (v) Verbal abuse/Public Nuisance First Offense: Person or Persons will be banned from City Facilities for one week.

- (vi) Verbal abuse/Public Nuisance Second Offense: Person or Persons will be banned from City Facilities for three months.
- (vii) Third Offense of any of the aforementioned violations: Person or Persons will be banned from City Facilities indefinitely.

9. Enforcement

These regulations may be enforced by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, Municipal Enforcement Officer, Peace Officer or any person appointed by council.

10. Coming Into Effect

These Regulations shall come into effect on the 1st day of November, 2007 A.D.

11. Publication

These regulations were published in The Telegram on the 27th day of October, 2007 A.D., and were gazetted on the 26th day of October, 2007 A.D.

12. Copy to Minister

A copy of these regulations was sent to the Minister of Municipal Affairs on the 31st day of October, 2007 A.D.

13. Repeal of Previous Regulations and Amendments

All previous City of Mount Pearl Graffiti, Loitering and Vandalism Regulations and amendments are repealed.