

City Council

Notice of Motion

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| MM37.18 | ACTION | | | Ward:All |
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Graffiti Implements - by Councillor Michelle Berardinetti, seconded by Councillor Glenn De Baeremaeker

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Licensing and Standards Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Michelle Berardinetti, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council direct the Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Transportation Services and the City Solicitor, to review Municipal Code Chapter 485, Graffiti and report to the Licensing and Standards Committee on the City's ability to:
 - a. prohibit the sale, exchange, giving, loaning, or in any other manner, furnishing or causing to be sold, exchanged, given, loaned, or furnished, any Graffiti Implement to a Minor, unless the Minor is accompanied by their parent or legal guardian (this section shall not apply to the parents or legal guardians, the employer, or the school teacher, of the Minor); and
 - b. ensure that every business selling Graffiti Implements place a sign in the direct view of persons responsible for accepting customer payment stating: "Selling spray paint, broad tipped marker pens, paint pens, glass cutting tools or glass etching tools or instruments to persons under 18 years of age without parental/legal guardian accompaniment is an offence. Violators may be fined."

Summary

The issue of graffiti continues to be a pressing one within the City of Toronto with respect to both public and private property owners. The successful prosecution of those responsible for graffiti under the Criminal Code of Canada is severely restricted due to a number of factors including the low rate of apprehending perpetrators, the cost and time commitment involved in pursuing these offences through the courts and the lack of assigning a Criminal Code offence (i.e. criminal record) to offenders, particularly those under the age of 18. The onus is usually upon property owners to remove graffiti and to bear the costs of this in spite of existing legislation (ex: the *Ontario Parental Responsibility Act, 2000*) that should *prima facie* provide

recourse to victims, but in practice does not. In view of these realities, municipalities across the Province are adopting innovative approaches to confront the growing issue of graffiti vandalism including efforts to prevent those under the age of 18 (statistically the highest age for graffiti vandalism is those aged 12-18 years) from accessing materials used for graffiti vandalism.

(Submitted to City Council on July 16 and 17, 2013 as MM37.18)

Background Information (City Council)

Member Motion MM37.18