

1. **Proposed Residential Mural One-Year Pilot Program**
Proposition de programme pilote de murales résidentielles d'un an

Committee recommendations

That Council:

1. **approve a one-year pilot for the Residential Mural Program, including the Residential Mural By-law and corresponding fee schedule, attached as Document 1 and as described in this report, to commence on the effective date of the by-law;**
2. **delegate authority to the City Solicitor, Chief Building Official and Director of By-law and Regulatory Services to make any minor amendments to and finalize the Residential Mural By-law, and to amend the Permanent Signs on Private Property By-law accordingly, to reflect the intent of Council; and**
3. **direct staff to report back no sooner than 12 months following the implementation of the program and by-law with the results of the pilot and recommendations.**

Recommandations du Comité

Que le Conseil :

1. **approuve un programme pilote de murales résidentielles d'un an, y compris le règlement sur les murales résidentielles et la grille tarifaire correspondante, ci-joint en tant que document 1 et comme il est décrit dans le présent rapport, qui commencerait au moment de l'entrée en vigueur du règlement;**
2. **délègue à l'avocat général, au chef du service du bâtiment et au directeur des Services des règlements municipaux le pouvoir d'apporter des modifications mineures au règlement sur les murales résidentielles et de le parachever, et de modifier le Règlement régissant les enseignes permanentes sur des propriétés privées en conséquence, afin de traduire l'intention du Conseil;**
3. **enjoigne au personnel de faire rapport sur les résultats du projet pilote et de formuler des recommandations au plus tôt douze (12) mois après la**

mise en œuvre du programme et du règlement.

Documentation/Documentation

1. Chief Building Official's report, Building Code Services, Planning, Infrastructure and Economic Development Department, dated October 29, 2020 (ACS2020-PIE-GEN-0002)

Rapport du Chef du service du bâtiment, Services du Code du bâtiment, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 29 octobre 2020 (ACS2020-PIE-GEN-0002)

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
10 November 2020 / 10 novembre 2020**

**and Council
et au Conseil
25 November 2020 / 25 novembre 2020**

**Submitted on 29 October 2020
Soumis le 29 octobre 2020**

**Submitted by
Soumis par:
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**Chief Building Official / Chef du service du bâtiment,
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**Ward: CITY WIDE / À L'ÉCHELLE DE
LA VILLE**

File Number: ACS2020-PIE-GEN-0002

SUBJECT: Proposed Residential Mural One-Year Pilot Program

OBJET: Proposition de programme pilote de murales résidentielles d'un an

REPORT RECOMMENDATIONS

That Planning Committee recommend that Council:

1. Approve a one-year pilot for the Residential Mural Program, including the Residential Mural By-law and corresponding fee schedule, attached as Document 1 and as described in this report, to commence on the effective date of the by-law;
2. Delegate authority to the City Solicitor, Chief Building Official and Director of By-law and Regulatory Services to make any minor amendments to and finalize the Residential Mural By-law, and to amend the Permanent Signs on Private Property By-law accordingly, to reflect the intent of Council; and
3. Direct staff to report back no sooner than 12 months following the implementation of the program and by-law with the results of the pilot and recommendations.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

1. d'approuver un programme pilote de murales résidentielles d'un an, y compris le règlement sur les murales résidentielles et la grille tarifaire correspondante, ci-joint en tant que document 1 et comme il est décrit dans le présent rapport, qui commencerait au moment de l'entrée en vigueur du règlement;
2. de déléguer à l'avocat général, au chef du service du bâtiment et au directeur des Services des règlements municipaux le pouvoir d'apporter des modifications mineures au règlement sur les murales résidentielles et de le parachever, et de modifier le Règlement régissant les enseignes permanentes sur des propriétés privées en conséquence, afin de traduire l'intention du Conseil;
3. d'enjoindre au personnel de faire rapport sur les résultats du projet pilote et de formuler des recommandations au plus tôt douze (12) mois après la mise en œuvre du programme et du règlement.

BACKGROUND

At its meeting of October 10, 2018, Council directed staff to review the process for exemptions to the Permanent Signs on Private Property By-law to allow murals on residential buildings in a residential zone. Staff have since been working towards

identifying an alternative to an Exemption Report to Planning Committee and Council to permit residential murals.

The direction to staff was as follows:

“... that, as part of the next Signs By-law Review that is underway, staff review the process for exemptions to the Permanent Signs on Private Property By-law allowing murals on residential buildings in a residential zone, and that this process be as easy as possible for homeowners while still respecting the character of the neighbourhood.”

Staff created a working group with representatives from Building Code Services, Public Works and Environmental Services Department, and By-law and Regulatory Services to explore the opportunity for a specific program for residential murals. Staff did a survey of residential mural programs in other municipalities that served to inform the working group during their discussions. The following four program requirements were identified as necessary by the working group: clear enabling legislation, maintenance requirements, enforcement mechanism through clear by-law provisions, and a vetting process to ensure minimal complaints.

An additional consideration was identified during this process: neither the Property Standards (2013–416, as amended) nor the Property Maintenance (2005-208, as amended) By-laws have sufficient or appropriate language to provide for enforcement of a Residential Mural Program by By-law and Regulatory Services, nor would these by-laws be appropriate mediums to regulate residential murals, even if amended.

A series of Residential Mural Program options were considered by the working group. A one-year Residential Mural Pilot Program, to be governed by a Residential Mural By-law administered and enforced by By-law and Regulatory Services staff was identified as the most feasible and best option. The program would see an applicant apply for a permit which would then follow a process to be approved by a Residential Mural Review Panel, with permit issuance compliance monitoring and enforcement to be undertaken by By-law and Regulatory Services.

Current Policy Context

Mural Signs are governed by the [Permanent Signs on Private Property By-law 2016-326, as amended](#) (Sections 140 to 143, inclusive). The by-law does not generally permit a mural on private property in a residential zone unless it is:

1. Approved by the Chief Building Official
2. Located beside a commercial, industrial or institutional building
3. Meets the criteria of the City's Paint It Up! Program

Ottawa's [Paint it Up! program](#), that is administered by Crime Prevention Ottawa, is a key component of the [Graffiti Management Strategy](#) which makes funding available for outdoor mural art projects that support graffiti prevention, youth empowerment, community safety and the beautification of Ottawa neighbourhoods. Projects must contribute to a clean, safe and beautiful city by engaging neighbourhoods and youth in a constructive learning process to create murals to prevent or deter graffiti. The intent of the Paint it Up! program is to engage youth in solving graffiti issues. Therefore, residents who wish to paint a mural on their property located in a residential zone where graffiti is not the primary issue are not in scope of the Paint it Up! program objectives.

The only existing avenue for the City to approve a mural in a residential zone, on a residential building, is through an Exemption to the Permanent Signs on Private Property By-law 2016-326 report to Planning Committee and Council.

Between 2017 and 2019, there have been five such exemption reports considered and approved by Council.

At its meeting of October 10, 2018, Council directed staff:

“... that, as part of the next Signs By-law Review that is underway, staff review the process for exemptions to the Permanent Signs on Private Property By-law allowing murals on residential buildings in a residential zone, and that this process be as easy as possible for homeowners while still respecting the character of the neighbourhood.”

DISCUSSION

Defining Residential Murals

Murals are defined in the Paint it Up! Program as “large-scale artworks done on permanent structures, with permission of the property owner, either directly on the wall or attached to it”. Restrictions on the artwork include: no tags, acronyms, registered trademarks, commercial advertising, or public information; and up to 10 per cent of the mural may be utilized as an acknowledgement recognizing the sponsor provided it does not exceed an area of 1.0 square metre and is located at a bottom corner of the mural.

During the course of developing the Residential Mural Program, staff determined that the current definition of murals, as per the Paint it Up! graffiti program and the Permanent Sign on Private Property By-law, is too permissive in a residential context. Staff have concerns that the current definition does not adequately address the requirement of “respecting the character of the neighbourhood”. To prevent artwork that would be discriminatory in nature, a new definition of residential murals for the purpose of the Residential Mural Pilot Program is proposed.

The definition included in the Residential Mural By-law, developed in collaboration with representatives of the City's Public Art Program Unit and Legal Services, is generally as follows:

“Residential Mural” means a large-scale artwork done directly on the wall of a structure in a residential zone, with written permission of the property owner, which aims to beautify and enhance the community with images that reflect and depict culture, history or visions of artistic expression in a tasteful and positive manner, and shall not discriminate, or incite any other person to infringe upon any person's human rights, on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.”

Proposed Residential Mural Program

1. Application for a permit

Residents would apply for a Residential Mural Permit, either in person or on Ottawa.ca. The requirements for a complete application will be similar to other City of Ottawa mural programs. The applicant will be required to submit personal details including the address where the mural is to be painted, a sketch of the proposed mural, a picture of the proposed location and payment of a permit fee.

A permit fee of \$150 for each mural at a civil address is proposed, to recover the costs associated with administration and enforcement of the proposed by-law. Level of effort, anticipated applications and service requests are considerations of the fee. The proposed fee is necessary to ensure that the process does not over-burden staff, that there is cost-recovery for administration and enforcement, and that there is a level of seriousness and commitment on the part of residents applying for a permit for such a project. An additional \$50-dollar fee would be charged for each additional residential mural at the same municipal address.

Applicants who qualify to the Residential Mural Program would be exempt from the Permanent Signs on Private Property By-law sections that relate to residential murals, as detailed in Document 1, Section 4(2).

2. Processing the Application

The application would be received and coordinated by existing By-law and Regulatory Services staff who would circulate the application to the Residential Mural Review Panel.

The Residential Mural Review Panel would be comprised of representatives of the City's Public Art Program Unit, By-law and Regulatory Services, Heritage and Urban Design Branch, Legal Services and the Ward Councillor. Each representative on the Residential Mural Review Panel shall provide comment within 30 business days from the date of receipt of the application. The panel's role is to ensure that the application meets the requirements of the proposed Residential Mural By-law and provide feedback to the Director, By-law and Regulatory Services so that they may authorize issuance of the permit.

The Ward Councillor's concurrence is required ahead of the permit being issued.

3. Enforcement

By-law and Regulatory Services, in consultation with the working group, identified two risks with potential impact on their enforcement workload: complaints about murals that have not gone through the permit process and the lack of maintenance for existing murals.

In the instance where a mural is painted without a permit, By-law and Regulatory Services would issue a Notice of Violation giving the property owner a choice to remove the mural or submit an application through the proposed Residential Mural By-law.

Staff anticipate a higher level of service requests for enforcement of residential murals due to this pilot. The \$150 permit fee for each mural at a municipal address is intended to recover not only the costs associated with administration, but enforcement of the proposed by-law as well.

4. Alterations and maintenance

Staff anticipates that there will be instances when residents would like to modify a residential mural that has already been approved. In the instance that it is a minor

change, a new application would not be required. However, substantial alterations would require a new application to be submitted.

Maintenance would be included as a condition of the issuance of the permit and as a provision of the by-law. Violations could be subject to Notices to comply and potential fines for non-compliance, or the City could arrange for the work to be undertaken at the owner's expense.

Consideration of Consultation Requirements

In staff's consideration of consultation requirements for the Residential Mural Pilot Program, thought was given to the role of neighbours in assessing the suitability of a residential mural in their neighbourhood.

The report does not recommend a consultation requirement as part of the Residential Mural Pilot Program at this time, as it is staff's view that a consultation requirement would not respect the "easy for homeowners" requirement from the original direction to staff.

Any consultation is at the prerogative of the Ward Councillor, who through giving their concurrence, represents the interest of the community.

Next Steps

Staff would take the following steps to implement the program, to be ready in time for spring 2021, when staff expect demand for residential murals might increase.

1. Ottawa.ca information webpage
2. Payment mechanism, receipt and confirmation email
3. Information management for Residential Mural Request
4. Residential Mural Permit
5. Feedback Survey

Staff would report back to Council after 12 months following the implementation of the program and by-law, with the results of the pilot and recommendations on next steps for the Residential Mural Program. A feedback survey would be set up on the residential murals webpage to gather comments and satisfaction levels from residents on the Pilot Project.

An evaluation of the impact on By-law and Regulatory Services' resources to administer and enforce the regulation will also be included in the 12-month report back.

CONCLUSION

Staff propose a Residential Mural Pilot Program with features that meet the Council direction and internal requirements as an alternative to the current Exemption to the Permanent Signs on Private Property By-law No. 2016-326 report to Committee and Council. The new process:

- Is easy for homeowners, as it mirrors current practice for other mural programs;
- Respects the character of the neighbourhood through a vetting process by a Residential Mural Review Panel;
- Is governed by a clear regulation with the enactment of a Residential Mural By-law;
- Has enforcement mechanisms to ensure compliance;
- Ensures maintenance of murals; and
- Includes a vetting process through the Residential Mural Review Panel to ensure minimal complaints.

CONSULTATION

Public consultation

Consultation was limited to City staff at this time given the administrative and temporary nature of the program. However, staff will conduct consultation concurrently with the implementation of the Residential Mural One-Year Pilot Program and report back to Committee and Council with an "As we heard" report with recommendations on next steps for the Residential Mural Program.

RURAL IMPLICATIONS

Rural residential zones would qualify for this program.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendations contained within this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management issues related to this report.

FINANCIAL IMPLICATIONS

The proposed fees are intended to be cost recoverable.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Thriving Communities: Promote safety, culture, social and physical well-being for our residents.

SUPPORTING DOCUMENTATION

Document 1 Draft Residential Mural By-law

DISPOSITION

Planning, Infrastructure and Economic Development Department, in conjunction with By-law and Regulatory Services, Legal Services and any other relevant branches/departments to process the by-law for enactment and to implement the Pilot Program and concurrent consultation.

Document 1

By-law No. 2020 -

A by-law of the City of Ottawa respecting residential murals.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law:

“alter” means the act of changing a residential mural but does not include maintenance or a change in its general message, and “altered” and “altering” have a corresponding meaning;

“Director” means the Director of By-law and Regulatory Services in the Emergency and Protective Services Department of the City of Ottawa, or an authorized representative;

“Permanent Signs on Private Property By-law” means the City of Ottawa Permanent Signs on Private Property By-law, being By-law No. 2016-326 entitled “A by-law of the City of Ottawa regulating permanent signs on private property and to repeal By-law 2005-439”, as amended, or any successor by-law thereto.

“person” means an individual, a corporation, a partnership, and an association, and includes a property owner, an applicant for a permit or a holder of a permit issued under this by-law as the context requires;

- a) “residential mural” means a large-scale artwork painted or applied directly on the wall of structures in a residential zone, with the permission of the property owner, that:
- b) aims to beautify and enhance the community with images that reflect and depict culture, history or visions of artistic expression in a tasteful and positive manner;
- c) shall not discriminate, nor incite any other person to infringe anyone's human rights on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
- d) excludes tags, acronyms, registered trademarks, commercial advertising, solicitation or public information; and,

- e) may, in a space up to 10% of the total mural area, include an acknowledgement recognizing the sponsor, provided that such acknowledgement does not exceed an area of 1 square meter and that it is located at a bottom corner of the mural;

“residential zone”, for the purposes of this by-law, includes the Residential (R1 to R5), Rural Residential (RR), Mobile Home (RM), and Village Residential (V1 to V3) zones as set out in the Zoning By-law;

“Zoning By-law” means the City of Ottawa Zoning By-law, being By-law No. 2008-250 entitled “City of Ottawa Zoning By-law regulating the use of all land and the density, size, location and use of all buildings within the City of Ottawa”, as amended, or any successor by-law thereto.

INTERPRETATION

- 2.
 - (1) Where a situation arises that is not covered by a specific regulation, or where two or more regulations are equally applicable, all provisions shall be complied with or, where it is not possible to comply with all the applicable provisions, the most restrictive provisions shall prevail.
 - (2) Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
 - (3) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
 - (4) This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.
 - (5) References to items in the plural include the singular, as applicable, unless used with a number modifying the term.
 - (6) The headings used in this by-law are inserted for convenience of reference only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
 - (7) It is declared that if any section, Subsection or part thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, Subsection part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

ADMINISTRATION

3. The Director is authorized to administer and enforce the provisions of this by-law.
4.
 - (1) Any mural that is not a residential mural as defined under this by-law is subject to the provisions of the Permanent Signs on Private Property By-law.
 - (2) The provisions of the Permanent Signs on Private Property By-law do not apply to murals in residential zones as defined and regulated under this by-law.

EXEMPTION

5.
 - (1) Murals in residential zones that existed prior to the date of enactment of this by-law and were authorized by the City under the Permanent Signs on Private Property By-law are exempt from the permit requirement.
 - (2) The onus of proof of the month and year of the painting or application of the mural is on the property owner.

PERMIT

11. No person shall paint, apply or maintain, or cause the painting, application or maintenance of any residential mural without first obtaining a permit in accordance with this by-law.

PERMIT APPLICATION

12. Every applicant for a residential mural permit shall complete and submit to the Director an application, which shall:
 - (a) be in the form required by the Director and include but not be limited to:
 - (i) the name, address, telephone number and e-mail address of the applicant;
 - (ii) the name, address, telephone number and e-mail address of the owner of the property on which the residential mural is to be placed, if the applicant is not the property owner;

- (iii) written permission from the property owner, if not the applicant, that the application may be submitted and, if approved, that the mural may be placed on the property;
 - (b) where applicable, include plans, drawings, specifications, documents and any other information required by the Director at the applicant's own expense; and,
 - (c) be accompanied by the fee set out in Schedule A of this by-law.
- 13. (1) The application for a residential mural permit shall be circulated to the Residential Mural Review Panel comprised of:
 - (a) a representative from each of:
 - (i) By-law and Regulatory Services;
 - (ii) Heritage and Urban Design Branch;
 - (iii) Legal Services;
 - (iv) Public Art Program Unit;
 - (b) the relevant Ward Councillor; and,
- (2) (a) Each representative on the Residential Mural Review Panel shall provide comment within thirty (30) business days from the date of receipt of the application.
- (b) If after the thirty (30) day period no comment has been provided by any representative of the Panel, concurrence with the residential mural permit application shall be deemed provided by that representative.
- (3) Subsection (2) shall not apply to the Ward Councillor whose approval shall be required as a condition of issuance of the residential mural permit.
- 14. (1) The Director shall issue the residential mural permit unless:
 - (a) the residential mural contravenes this by-law or any other applicable law;

- (b) the permit application, including plans, drawings, specifications, documents or other information required by the Director, is incomplete;
 - (c) any fees required under this by-law are unpaid; or,
 - (d) the Residential Murals Review Panel has not approved the application.
- (2) The Director may, at his discretion, require the applicant to submit such additional plans, drawings, specifications, documents or other information that may be deemed necessary to determine whether a permit may be issued.
- 10. The Plans, Specifications, documents and other information submitted with an application under this by-law are the property of the City and, upon the permit being issued, are considered public information, subject to the *Municipal Freedom of Information and Protection Of Privacy Act*.
- 11. Every permit holder agrees to indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a permit under this by-law or from the performance or non performance of the respective permit holder under this by-law whether or not such performance or non-performance arises with or without negligence on the part of the permit holder, its employees, directors or agents.
- 12. The Director may, at his discretion, impose any terms, conditions or restrictions on a permit issued under this by-law.
- 13. No person shall fail to comply with any term, condition or restriction of a permit issued under this by-law.

PERMIT APPLICATION AND PERMIT LAPSES

- 14. (1) An application for a permit lapses six (6) months after the date of filing unless the application is being actively pursued by the applicant or a permit has been issued.
- (2) Subsection (1) does not apply to a delay caused by the City in processing the application.

- (3) Where an application for a permit lapses under Subsection (1), the application fee is not refundable.
- (4) Where a permit has been issued, the permit holder shall complete the residential mural within twelve (12) months of the date of issuance.

REVOCATION OF A PERMIT

15. (1) The Director shall revoke a permit issued under this by-law where:
- (a) the permit was issued in error;
 - (b) the permit was issued based on false, misleading or incorrect information;
 - (c) the permit holder requests in writing that the permit be revoked;
 - (d) the permit holder has breached this by-law;
 - (e) the permit holder does not comply with conditions imposed from a minor variance approval; or,
 - (f) the permit holder does not complete the residential mural in accordance with Section 14(4).
- (2) The Director shall notify the permit holder, in writing, of the revocation of the permit.

WORK COMMENCED WITHOUT PERMIT

16. Where work to erect a residential mural is commenced prior to the issuance of a permit authorizing the mural, an additional administrative surcharge of 50% of the permit fee set out in Schedule A of this by-law shall be paid prior to the permit being issued.

REFUNDS

17. (1) An applicant may withdraw an application for a residential mural permit at any time prior to the issuance of the permit.
- (2) Where an applicant withdraws an application under Subsection (1), the applicant may be entitled to a refund as follows:

- (a) 75% of the application fee if a request for a refund is received by the Director prior to the start of the review of the application; or,
- (b) 50% of the application fee if a request for a refund is received once the review has commenced.

18. Where a permit has been revoked under this by-law, the application fee is not refundable.

PROHIBITIONS

19. A residential mural that is not permitted under this by-law is prohibited.
20. No person shall paint, apply or maintain, or cause the painting, application or maintenance of any residential mural that is prohibited under this by-law.
21. Without limiting the generality of Sections 19 and 20, no person shall paint, apply or maintain, or cause the painting, application or maintenance of any residential mural that:
- (a) contains tags, acronyms, registered trademarks, commercial advertising, solicitation or public information of any kind;
 - (b) is illuminated, animated or operated in such a way that it constitutes a hazardous distraction for vehicular or pedestrian traffic;
 - (c) imitates, resembles or could reasonably be mistaken for an official sign;
 - (d) has more than 10% of the total mural area used as an acknowledgement recognizing the sponsor or has an acknowledgement that exceeds an area of 1 square meter, and is not located at a bottom corner of the mural;
 - (e) has three-dimensional elements;
 - (f) requires mounting; or,
 - (g) exceeds a maximum sign face area equal to 100% of the exterior wall area of the first three storeys on which the residential mural is located.

22. (1) No person shall paint, apply or maintain, or cause the painting, application or maintenance of a residential mural directly to brick, wood or stone of a building or structure that is designated under Part IV or Part V of the *Ontario Heritage Act* or listed on the City's Heritage Reference List.
- (2) Despite Subsection (1), a residential mural may be permitted if the records of the City's Heritage Services indicate that the building or structure had been painted prior to the designation or listing of the building or structure.
23. No person shall paint, apply or maintain, or cause the painting, application or maintenance of any residential mural that is not as specified in the application for the permit.
24. No person shall alter, or cause to be altered, a residential mural once the permit application has been approved or once the mural has been placed, unless approved by the Residential Mural Review Panel as defined in Section 8 of this by-law.
25. No permit holder shall fail to produce the permit for inspection upon the request of the Director.

MAINTENANCE OF RESIDENTIAL MURALS

26. Every person shall ensure that the residential mural complies with all applicable municipal by-laws, and provincial and federal laws and regulations.
27. No person shall fail to ensure that the residential mural is maintained so as to:
- (a) be in good condition and state of repair;
 - (b) not appear unsightly; and,
 - (c) not present a public safety risk.

NOTICE OF VIOLATION

28. (1) Where a residential mural is not painted, applied or maintained pursuant to the provisions of this by-law, the Director may issue a Notice of Violation, by registered mail or direct delivery by hand to the permit holder's or property owner's last known address, requiring the permit holder or property owner to remove the mural or bring the mural into

conformity with the requirements of this by-law and within the time specified in the Notice.

- (2) A Notice of Violation issued by registered mail pursuant to Subsection (1) is deemed to have been served upon the recipient on the third day follow the date of mailing.
 - (3) No person shall fail to comply with a Notice issued pursuant to Subsection (1).
29. (1) Where a Notice has been issued by the Director pursuant to Section 28, and the requirements of the Notice have not been complied with, the City may cause the work to be done and the cost of the work shall be at the expense of the property owner.
- (2) The costs of the work to be done pursuant to Subsection (1) may be recovered from the property owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

OFFENCES AND PENALTIES

30. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
31. (1) Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500 and to a maximum fine not exceeding \$100,000, pursuant to Subsections 429(1) and (3) of *the Municipal Act*, 2001.
- (2) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in Subsection 429(3), paragraph 2, of the *Municipal Act*, 2001.
32. When a person has been convicted of an offence under this by-law,
- (a) the Ontario Court of Justice, or
 - (b) any court of competent jurisdiction thereafter

may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

EFFECTIVE DATE

33. This by-law shall come into force and take effect on May 1, 2021.

SHORT TITLE

34. This by-law may be referred to as the "Residential Mural By-law".

ENACTED AND PASSED this day of , 2020.

CITY CLERK
MAYOR

Schedule A

Residential Mural Permit Fees

For each residential mural at a municipal address	\$150
For each additional residential mural at the same municipal address	\$50