PART N

GRAFFITI REMOVAL REQUIRED[4]

Section 1401. **Findings**: Graffiti causes serious defacement of buildings, vehicles and areas, public and private, and contributes to the deterioration of property values, as well as offending the public's right not to have unsightly and unlawful graffiti on, with defacement of, public and private property, and it constitutes a deleterious practice contrary to the public health and welfare. The prompt removal of graffiti is a significant component of a comprehensive anti-graffiti effort and must be required in those cases where voluntary removal is not achieved. (Ordinance 1869, April 2, 2007, Section 1.)

Section 1402. **Definitions**: The following words, when used in this ordinance, shall have the meanings ascribed to them in this Section:

Graffiti means any unauthorized inscription, word, figure, painting, symbol, insignia or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property.

Person means any individual, partnership, corporation, association, institution, cooperative enterprise, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Occupant means any person living and/or sleeping in a dwelling or having possession of a space within a building.

Premises means a lot, plot or parcel of land, whether improved or unimproved, including portions occupied by a street or alley and portions of land between sidewalks and streets.

(Ordinance 1869, April 2, 2007, Section 2.)

Section 1403. **Removal of graffiti required**: No owner of premises within the Municipality shall permit any graffiti to accumulate or otherwise remain on any property so as to be visible to the public. All such graffiti in hereby declared to be a nuisance and detrimental to the health, safety and welfare of the residents of the Municipality. (Ordinance 1869, April 2, 2007, Section 3.)

Section 1404. **Responsibility of Persons**: A person who is an owner and/or occupant of any premises shall be responsible for the removal of graffiti. Both the owner and the occupant shall be responsible for the compliance with this ordinance. (Ordinance 1869, April 2, 2007, Section 4.)

Section 1405. **Notice to Owners and Occupants of Premises**: Council, or any officer or employee of the Municipality designated thereby for the purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or the occupant, or either of them, of the presence of graffiti on the premises and the requirements of this ordinance, directing and requiring such occupant or owner or both of them to remove graffiti so as to conform to the requirements of this ordinance, within 30 calendar days after issuance of such notice if issued on or between March 16 and October 15 of each year and within 90 days after issuance of such notice if issued on or between October 16 and March 15 of the following year. (Ordinance 1869, April 2, 2007, Section 5.)

Section 1406. **Notice of Ordinance Violation; Payment**: After a period of no less than 30 days or 90 days after the issuance of the notice as provided in Section 5, the Municipality's authorized agent may inspect the premises for compliance with this ordinance. If, after the 30 days' or 90 days' notice time, the Municipality's authorized agent observes the premises to still be in violation, an ordinance violation notice shall be issued to the owner and/or occupant either by personal delivery, by United States mail directed to the last known address, or by posting the violation notice upon the premises where such violation occurs. Each 24-hour period thereafter shall constitute a separate violation and an ordinance violation notice may be issued every 24 hours. (Ordinance 1869, April 2, 2007, Section 6)

Section 1407. **Penalty for Violation**: Any person, firm, partnership or corporation who or which shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than $50.00 nor more than $600.00 and costs of suit. Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense, nor shall notice to the offender be necessary in order to constitute an offense. (Ordinance 1869, April 2, 2007, Section 7)