

ARTICLE IV. GRAFFITI ON PROPERTY

Sec. 20-81. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]
Graffiti means and includes any unauthorized inscription, word, figure or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.
(Ord. No. 091-37, § 1, 5-21-91)

Sec. 20-82. Declaration of nuisance.

The existence of graffiti on buildings, or on structures, including, but not limited to, fences or walls, located upon any property in the city is declared a nuisance.
(Ord. No. 091-37, § 1, 5-21-91; Ord. No. 093-122, § 1, 12-7-93)

Sec. 20-83. Violation declared misdemeanor.

Any property owner who allows graffiti to exist on buildings or structures thereupon after the expiration of the abatement time frame as set forth in section 20-84 hereinafter shall be guilty of a misdemeanor; and any property owner who shall neglect to remove such nuisance after notice thereof shall, for each twenty-four (24) hours thereafter during which the nuisance continues, be guilty of a separate misdemeanor.
(Ord. No. 091-37, § 1, 5-21-91; Ord. No. 093-122, § 1, 12-7-93)

Sec. 20-84. Notice to abate.

Any inspector of the division of inspection and permits of the city upon observing any nuisance under this article shall issue a notice directed to the owner of record of the property on which the nuisance occurs. The notice shall describe the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than two (2) days nor more than five (5) days after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on an unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.
(Ord. No. 091-37, § 1, 5-21-91)

Sec. 20-85. Complaints by citizens; inspection; issuance of notice.

Any citizen of the city who observes a nuisance under this article may file a complaint with the division of inspections and permits. Such complaints shall be investigated; and, if a nuisance exists, notice as provided in this article shall be issued.
(Ord. No. 091-37, § 1, 5-21-91)

Sec. 20-86. Service, return of notice.

(a) The inspector issuing the notice to abate a nuisance under this article or his designee shall personally serve the notice upon the owner of the property where such nuisance exists, and shall

make his return upon a copy of such notice showing the date of service and the person upon whom it was served.

(b) In lieu thereof, the inspector issuing the notice or his designee shall mail a copy thereof to the above-described owner at the last-known mailing address of the owner or if not known, the address of the property where the nuisance exists, by proof of mail. The envelope shall bear the return address of the inspector issuing the notice. If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of the notice on the front door of the structure where the violation was found.

(Ord. No. 091-37, § 1, 5-21-91; Ord. No. 096-59, §§ 1, 2, 5-28-96)

Sec. 20-87. Investigation to determine compliance with notice.

Immediately upon the termination of the time allowed in any notice for the abatement of a nuisance under this article, the inspector shall investigate to determine whether or not the nuisance has been abated.

(Ord. No. 091-37, § 1, 5-21-91)

Sec. 20-88. Failure to comply with notice.

In the event the owner of the property where such nuisance exists has failed within the prescribed time to abate such nuisance, then the director of the division of inspection and permits shall have the authority to make arrangements for the removal of the graffiti through any available public agency or by contract with any applicable private entity. The cost of such removal shall be billed to such owner and shall be a lien upon the affected property if not paid within sixty (60) days after billing thereof.

(Ord. No. 091-37, § 1, 5-21-91)