

TITLE II - COMMUNITY PROTECTION  
DIVISION 2 - ENFORCEMENT: NUISANCES

CHAPTER 56  
GRAFFITI

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**56.01 DEFINITIONS.** As used in this chapter, the following definitions shall apply:

1. "Deface" means to alter the appearance of something by removing, distorting, adding to, or covering all or a part of it.
2. "Graffiti vandalism" means defacing public or private real property by painting, drawing, writing, etching, or carving by use of paint, spray paint, ink, knife, or any similar method.
3. "Real property" means land and whatever is constructed or growing upon or affixed to land, including fences and walls.

**56.02 GRAFFITI PROHIBITED.**

1. No person shall write, paint, draw, scratch or scribble any inscription, figure or mark of any type on any public or private building, structure, street, sidewalk or any other real or personal property without the permission and consent of the owner and/or operator/lessee of said property.
2. In the absence of expressed permission of the owner, operator or lessee of any public or private property, it shall be unlawful for any person to enter upon such property while possessing a spray paint container, liquid paint in a container, felt tipped indelible marker, or other instrument capable and designed to deface, mark, or mar in any public building or upon any public facility or private property with the intent to use the same to deface said building, facility or property. Any person who possesses any of the above with no legitimate or lawful purpose therefor shall prima facie be presumed to have possessed the same with the intent to use the same to deface said building, facility or property.

**56.03 DECLARATION OF PUBLIC NUISANCE.** All real property defaced by graffiti vandalism is hereby declared to be a public nuisance, and shall be subject to City abatement procedures if not removed within seven (7) calendar days from the date of written notice from the City.



**56.04 NOTIFICATION TO ABATE NUISANCE.** The owner of any real property located within the City which is defaced by graffiti vandalism shall be notified of such graffiti vandalism by the City prior to any City abatement procedures. Such notice shall be in written form and shall direct the property owner to remove or eradicate the graffiti vandalism from the real property within seven (7) calendar days from the date of such notice. The notice shall be sent by first class mail and shall contain:

1. A description of the real property upon which the graffiti vandalism occurred and a description of the nature of the vandalism;
2. A demand that the owner remove or eradicate the graffiti vandalism from the real property with in seven (7) calendar days from the date of such notice; and
3. A statement that warns that the owner's failure or refusal to remove or eradicate the graffiti vandalism may result in the City's commencement of abatement procedures, and if the cost of such abatement is not paid to the City within thirty (30) calendar days after a notice of assessment is mailed to the property owner, such costs may be assessed against the property in the same manner as a property tax as provided by State law.

**56.05 VIOLATION.** Failure to comply with the notification to abate the graffiti nuisance shall be a municipal infraction punishable by a penalty as provided in Section 8.03 of this Code of Ordinances.

*(Ch. 56 – Ord. 949 – Dec. 07 Supp.)*

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