

Ordinance No. 00037

[\(Council Minutes 96/01/16\)](#)

ORDINANCE NO. 37

AN ORDINANCE of the City Council of the City of Lakewood, Washington, relating to graffiti removal

WHEREAS, graffiti on public and private property is blighting factor which not only depreciates the value of property that has been targeted with such malicious vandalism, but also depreciates the value of adjacent and surrounding properties, and in doing so negatively impacts the entire community; and,

WHEREAS, the City of Lakewood will, upon incorporation, be responsible for providing ways to protect and preserve property values and for encouraging quick removal of graffiti by property owners; and,

WHEREAS, the City Council finds and determines that graffiti is a nuisance, and unless it and other inscribed materials are removed from public and private property, it tends to remain, and other properties are then similarly targeted with graffiti, with the result that entire neighborhoods and, indeed, the entire community suffers and experiences depreciations in value, and the community is made a less desirable place in which to live and work; and,

WHEREAS, the City Council further determines that it is appropriate that the City of Lakewood provide an Ordinance for removal of graffiti and other inscribed materials from both public and private property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

GRAFFITI REMOVAL

Section 1. Graffiti deemed nuisance.

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A. Graffiti and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates and other structures, trees, and other real and personal property within the City constitutes a nuisance.

B. Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, obtaining convictions for such acts is difficult because the offenses involving can be committed so very quickly and secretively that witnesses to the acts are frequently nonexistent.

C. Although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of the illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value.

Section 2. Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

A. "Graffiti" means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures and places.

B. "Graffiti abatement procedure" means the abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

C. "Private contractor" means any person with whom the City shall have duly contracted to remove graffiti.

Section 3. Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate or other structure, tree, or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" within the City.

Section 4. Graffiti - Notice of removal.

A. Whenever the City Manager, or his/her designated representative, determines that graffiti exists on any public or private buildings, structures, and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the City, and when seasonal temperatures permit the painting of exterior surfaces, the City Manager or his/her designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have fifteen (15) days after the date of the notice to remove the graffiti or the same will be subject to abatement by the City.

B. The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owners' name and address appears on the last property tax assessment rolls of Pierce County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or control of the property;

2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

Notice of Intent to Remove Graffiti

Date:

To:

NOTICE IS HEREBY GIVEN that you are required, by Ordinance of the City of Lakewood, at your own expense, to remove or paint over the graffiti located on the property commonly known as (address), Lakewood, Washington, which is visible to public view, within fifteen (15) days after the date of this notice; or, if you fail to do so, the City requires the nuisance to be abated by removal or painting over of the graffiti. The cost of the abatement by the City or private contractors employed by the City to abate the nuisance will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in said matters, are hereby notified to submit any objections or comments to the City Manager of the City of Lakewood or his/her designated representative, within ten (10) days from the date of this notice. If no objections or comments to the notice are received by the City, the City will, at the conclusion of the fifteen (15) day period, proceed with abatement of the graffiti inscribed on you property at your expense without further notice.

Section 5. City costs enforceable - Debt - Lien.

Any and all costs incurred by the City in the abatement of the graffiti nuisance as provided in this chapter shall constitute a debt owed to the City by the property owner or person in charge or control of the property, and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts.

Section 6. Appeal.

Within ten (10) days from the mailing or from personal service of the notice of intent to remove graffiti, the owner or person occupying or controlling the premises affected may appeal the matter to the Lakewood City Council. Filing of an appeal will stay, during the pendency of the appeal, any enforcement or actions by the City to abate the graffiti nuisance.

Section 7. Removal by City.

A. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the City Manager, or his/her designated representative, approves, then the City Manager or designee is authorized and directed to cause the graffiti to be abated by City forces or by private contract, and the City or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate or cover graffiti shall be as close as practicable to background color(s). If the City Manager or designee provides for the removal of the graffiti, he/she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located.

B. Property owners in the City of Lakewood may consent in advance to City entry onto private property for graffiti removal purposes.

Section 8. Severability.

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. Effective Date.

That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 16th day of January, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

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