

ORDINANCE NO. 686

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE WASHINGTON ADOPTING
A NEW CHAPTER 9.36 "GRAFFITI"**

WHEREAS, graffiti causes blight, disorder, invites crime and lowers property values; and

WHEREAS, the application of graffiti to any natural or manmade surface on any public property or private property is already unlawful in University Place under UPMC 7.03.050, which incorporates RCW 9A.48.090 and RCW 9A.48.105 by reference, and any person who violates that ordinance is guilty of a gross misdemeanor; and

WHEREAS, prompt removal of graffiti is in the public interest; and

WHEREAS, the proposed new UPMC Chapter 9.36 provides enforcement tools and a process for causing graffiti on private property to be removed by using nuisance code abatement procedures.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1. New UPMC Chapter 9.36 "Graffiti" Adopted. UPMC Chapter 9.36 "Graffiti" is hereby adopted to read as follows:

Chapter 9.36 Graffiti

9.36.010 Declaration of Policy – Findings

9.36.020 Definitions

9.36.030 Graffiti Deemed Nuisance

9.36.040 Allowing Graffiti to Remain Prohibited – Penalties

9.36.050 Extraordinary Circumstances - Abatement by City

9.36.060 Use of Public Funds for Graffiti Removal

9.36.070 City Costs Enforceable – Debt – Lien

9.36.010 Declaration of Policy – Findings

City Council finds that graffiti on public and private buildings, structures and personal property creates a condition of blight within the City that can result in the deterioration of property values, business opportunities and enjoyment of life for persons using that property, surrounding property and the community. The presence of graffiti is inconsistent with the City's goals of maintaining property, preventing crime and preserving aesthetic standards. The continued presence of graffiti is a visual symbol of disorder that demoralizes and erodes feelings of safety in our neighborhoods. It contributes to neighborhood decline by inviting crime and leading to a climate of intimidation; and reduces commerce, tax revenues and community pride. While it is appropriate to request that courts require offenders convicted of graffiti crimes to restore the property they defaced, obtaining convictions is difficult because graffiti offenses can be committed quickly and secretly without any witnesses. Therefore, prompt removal of graffiti from public and private property is in the public interest. The purpose of graffiti enforcement under this Chapter is to promote the health, safety and welfare of the general public.

9.36.020 – Definitions

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

A. "Graffiti" means any unauthorized inscription, word, figure, painting 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. Any graffiti authorized by a person responsible for a property is prohibited if it is otherwise recognized and deemed a public nuisance by law.

B. "Graffiti nuisance property" means private property upon which graffiti exists and where, after the City issues a notice of violation pursuant to the procedures in the City's public nuisance and enforcement codes, the graffiti has not been abated by the deadline set by the City.

C. "Private contractor" means any person or entity with whom the City contracts to remove graffiti.

D. "City Authorized Volunteer" means any person who has complied with requirements established by the City's administration to be authorized to remove graffiti.

E. "Property" means real or personal property, including but not limited to buildings, structures, walls, signs, poles, bridges, roads, sidewalks, fences, gates, motor vehicles, rocks, trees and other natural features.

9.36.030 - Graffiti Deemed Nuisance

Graffiti is determined to adversely impact public health, safety and welfare and is deemed a public nuisance. Graffiti nuisance properties may be abated by the City through the processes described in the City's Nuisance Code, Enforcement Code and this Chapter.

9.36.040 – Allowing Graffiti to Remain Prohibited – Penalties

It shall be unlawful for any person with responsibility for a property to allow a graffiti nuisance property to exist fifteen (15) business days after the date City serves a notice of violation pursuant to the enforcement procedures set forth in the University Place Municipal Code.

9.36.050 – Extraordinary Circumstances - Abatement by City

In circumstances where in the judgment of the City Manager or designee, in his or her sole discretion, graffiti on private property represents an imminent threat to public health, safety and welfare, such graffiti may be abated by City forces, by private contractor, or by City Authorized Volunteer, and the City and its contractors and volunteers are authorized to enter upon the premises with prior written consent of the owner, or under the terms of a valid court order, for such purposes. If the City provides for the removal of the graffiti, the City shall neither authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located, unless the City determines that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community. All aspects of graffiti removal are at the discretion of the City Manager or designee including, but not limited to, the method of and material used for repair. Property owners will be asked for their written consent in advance of City's entry onto non-City property for graffiti removal purposes. If such consent is refused, the City's administration, in its sole discretion, may elect to seek issuance of a court order allowing entry on any non-City property for purposes of graffiti abatement under this chapter.

9.36.060 – Use of Public Funds for Graffiti Removal

Whenever the City becomes aware of or is notified of, and determines that graffiti is located on publicly or privately owned property visible from premises open to the public, the City Manager is authorized, in his or her discretion, to use public funds available within the City budget and within his or her expenditure authority for the removal of graffiti.

9.36.070 – City Costs Enforceable – Debt – Lien

Any and all costs incurred by the City in the abatement of a graffiti nuisance, including any costs of securing court orders to enter non-City property, shall constitute a debt owed to the City by the property's owner of record, and shall be enforceable by a lien against the property upon which such nuisance existed. This remedy is in addition to all other legal remedies, including legal remedies available for the enforcement of debts.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

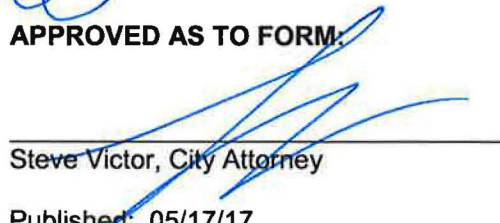
PASSED BY THE CITY COUNCIL ON MAY 15, 2017.


Javier H. Figueroa, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Published: 05/17/17

Effective Date: 05/22/17