

**Passed 7-26-10 by a vote of 7-0
ORDINANCE No. 22-2010**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
VALPARAISO PROHIBITING GRAFFITI WITHIN THE CITY OF VALPARAISO,
INDIANA**

WHEREAS, the Common Council finds that graffiti within the City of Valparaiso is a public nuisance that poses a threat to the health, safety and welfare of the citizens of the City; and

WHEREAS, the Common Council further finds that graffiti tends to remain on both public and private property within the City for an inordinate amount of time; and

WHEREAS, the Common Council is desirous of enacting an Ordinance to help prevent the spread graffiti and to establish a program for the expeditious removal of graffiti from public and private property within the City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso, Indiana, as follows:

Section 1. Definitions.

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 provided that such graffiti was not expressly permitted by the City.

Section 2. Graffiti Prohibited.

It shall be the duty of all owners of property within the City to which graffiti has been applied to have such graffiti abated in conformance with the requirements of this Ordinance. The existence of all graffiti on public or private property within the City in violation of this Ordinance is expressly declared a public nuisance.

Section 3. Reporting Graffiti within the City.

All graffiti within the City shall be reported to the City of Valparaiso Police Department. Upon receiving a report of graffiti within the City, the City of Valparaiso Police Department shall take pictures, as necessary, and prepare a formal police report. The City of Valparaiso Police Department shall forward copies of all such police reports to the Department of Public Works.

Section 4. Graffiti Removal.

Upon receiving a police report of graffiti on public property, the Department of Public Works shall have such graffiti abated as soon as possible. Upon receiving a police report of graffiti on private property, the Department of Public Works shall notify the property owner, in writing, and demand the following:

1. That the property owner abate the graffiti within five (5) days of the date of such notice at the property owner's sole expense; or
2. That the property owner sign and return a Waiver of Liability to the Department of Public Works within five (5) days of such notice permitting the Department of Public Works to abate the graffiti at no cost to the property owner.

Section 5. Violation and Penalties.

It shall be a violation of this Ordinance for a property owner to fail to either abate the graffiti within five (5) days of being notified by the Department of Public Works or to sign and return a Wavier of Liability to the Department of Public Works within five (5) days of such notice.

A person who violates this Ordinance shall be guilty of an infraction, punishable by:

1. A fine not exceeding One Hundred Dollars (\$100.00) for a first violation.
2. A fine not exceeding Two Hundred Dollars (\$250.00) for a second violation within One (1) year.
3. A fine not exceeding Three Hundred Dollars (\$300) for each additional violation within One (1) year.

Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

SECTION 6. Removal by the City.

In addition to any fine which may be imposed under Section 5 of this Ordinance, if the property owner fails to abate the graffiti in conformance with the requirements of Section 4, the City, by and through its Department of Public Works, may enter upon the property and abate the graffiti by any means necessary. The cost of such removal shall be the responsibility of the property owner and the costs thereof shall be taxed against the offending property owner and placed upon the tax records for collection.

BE IT ORDAINED THAT, if any portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

BE IT FURTHER ORDAINED THAT, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

PASSED by the Common Council of the city of Valparaiso, Indiana, by a _____ vote of all members present and voting this _____ day of _____, 2010.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2010 at _____ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 20`0, at _____ o'clock p.m.

Jon Costas, Mayor