

ORDINANCE NO. 305

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AMENDING CHAPTER VIII OF THE TOWN CODE BY THE ADDITION OF SECTION 8-3-15 PROHIBITING GRAFFITI AND REQUIRING THE REMOVAL OF GRAFFITI.

WHEREAS, it is the purpose and intent of this Ordinance to prevent graffiti and related vandalism and to promote the eradication of graffiti; and

WHEREAS, graffiti and related vandalism adversely affect public and private property; and

WHEREAS, the Town Board of Trustees desires to consider appropriate rules, regulations and restrictions regarding graffiti, related vandalism, and the eradication thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

CHAPTER VIII OF THE TOWN CODE IS AMENDED TO ADD SECTION 8-3-15 TO READ AS FOLLOWS:

8-3-15 Graffiti

(1). The term "graffiti" shall mean any unauthorized inscription, symbol, design or configuration of letters, numbers or symbols, or any combination thereof written, drawn, scribed, etched, marked, painted, stained, stuck on or adhered to any surface (public or private). Including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, sidewalks, streets, buildings, and any other surface or surfaces, regardless of the material of the component. Any mural or work of art approved by the Town of Ignacio through a design review or planning process and requiring proper permits prior to its application shall not constitute graffiti.

(2). It shall be unlawful for any person or group of persons to commit or attempt to commit any act resulting in the application of graffiti, engaging in, and or attempting to engage in any act related to graffiti. Prohibited acts shall include, but not be limited to, conspiring to commit or assist in the application of graffiti and or engaging in or assisting in any act of related vandalism, including acting as a "look out".

(3). It shall be unlawful for any person to knowingly allow any acts of graffiti or related vandalism to occur on or to any property without promptly reporting such acts to the police department.

(4). Graffiti which appears on property or structures (public or private) is deemed to be a public nuisance. If it is determined by the Town that graffiti exists on property in violation of the Municipal Code, the Town Manager or his/her designated agent shall notify the owner of the property and any other responsible party, first by phone, and then in writing via certified letter. If after ten (10) days the owner and or responsible parties are nonresponsive and or have not removed the graffiti, the Town shall have the right to have the graffiti removed, and bill the owner and or responsible party for the removal of the graffiti. If a reasonable effort has been made by the property owner, the Town will grant additional time on a case by case basis. It shall be unlawful for any property owner to fail to remove or otherwise abate graffiti or related vandalism within the time frame set forth in the notice as herein described.

(5). In the event of nonpayment of any statement sent to the owner of a structure for the removal of graffiti by the Town under the provisions of (4) of this section for a period in excess of 90 days, the Town Clerk is hereby authorized to take appropriate measures to create a lien against the subject property for purposes of recovering such costs, together with interest, or to otherwise take steps to collect such amounts as provided by applicable law.

(6). As a part of any sentence imposed by the municipal court with respect to persons who either enter a guilty plea or are convicted of a violation of this section, the court may, as part of its sentencing, order that restitution be paid to the owner or party responsible for the removal or abatement of the graffiti. If the person found to be in violation of this section is a minor under the age of eighteen (18) years living with their parents, a lawful guardian, or a custodian, the court may order restitution to be paid by the minor's parents, lawfully designated guardian, or custodian.

PASSED AND APPROVED AND ORDERED PUBLISHED this _____ day of

_____, 2013.

MAYOR:

ATTEST:

Town Clerk