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MAR 20 2014

CITY CLERK

GENERAL ORDINANCE NO. 1, 2014  
AS AMENDED

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 6, TO  
CREATE ARTICLE 18. GRAFFITI REMOVAL AND ABATEMENT.

WHEREAS, graffiti is detrimental to the health, safety, and welfare of the community in that it promotes a perception in the community that the laws protecting public and property can be disregarded with impunity; and

WHEREAS, graffiti fosters a sense of disrespect of the law that results in an increase in crime; degrades the community and leads to urban blight; is detrimental to property values, business opportunities and the enjoyment of life; is inconsistent with the City's property maintenance goals and aesthetic standards; and results in additional graffiti and in other properties becoming the target of graffiti; and

WHEREAS, graffiti is a public nuisance and it is the City's desire to implement a procedure by which this nuisance is quickly abated;

WHEREAS, the City recognizes that property owners are the victims of graffiti and wishes to implement a procedure to work hand-in-hand with the property owner to quickly abate such nuisances; and

THEREFORE, IT IS HEREBY ORDAINED by the Common Council for the City of Terre Haute as follows:

SECTION 1. That *Terre Haute City Code* Chapter 6, is hereby amended to create Article 18. Graffiti Removal and Abatement, and is further amended by the insertion of following text:

**Sec. 6-260 Purpose and Intent.**

The Common Council for the City of Terre Haute finds and declares that:

a. Graffiti is detrimental to the health, safety, and welfare of the community in that it promotes a perception in the community that the laws protecting public and property can be disregarded with impunity. This perception fosters a sense of disrespect of the law that results in: an increase in crime; degrades the community and leads to urban blight; is detrimental to property values, business opportunities and the enjoyment of life; is inconsistent with the City's property maintenance goals and aesthetic standards; and results in additional graffiti and in other properties becoming the target of graffiti unless it is quickly removed from public and private property.

b. Graffiti results in visual pollution and is hereby deemed a public nuisance. Graffiti must be abated as quickly as possible to avoid detrimental impacts on the City and its residents, and to prevent the further spread of additional graffiti.

c. It is the purpose of this Section to detail a procedure for the removal of graffiti from walls, pavement, structures, and other improvements on both public and private property.

**Sec. 6-261 Definitions.**

a. **Graffiti.** Any inscription, word, figure, marking or design that is marked, etched, scratched, drawn, or painted on any building, structure, fixture, or other improvement, whether permanent or temporary, including by way of example only and without limitation, fencing, lamp posts, dumpsters, without the consent of the owner of the property or the owner's authorized agent, and which is visible from the public right-of-way.

b. **Owner.** The owner of record of the property as set forth in the records of Vigo County or the owner's authorized agent.

**Sec. 6-261 Violation.**

It shall be unlawful for the owner of any real property within the City bearing graffiti to allow such graffiti to remain in violation of this Article.

**Sec. 6-262 Graffiti Abatement Procedure; Violations; Penalty.**

a. Graffiti complaints will be logged into the City's 311 Call Center. Complaints may be received from private citizens, property owners, or City employees, officials, agents. Such complaint must describe with reasonable specificity the property address and/or exact location of the graffiti.

b. Upon visual inspection and confirmation of a logged graffiti complaint, Terre Haute EPD shall send written notification of the complaint by certified mail to the property owner of record. If the address of the violation is different from the address of the owner of record, City shall send, by regular first, class mail, a copy of the notification to the address of the property where the violation has occurred.

c. Property owner shall have thirty (30) days from the date of the notification to abate the nuisance.

d. Failure to abate the nuisance within thirty (30) days of notification shall result in the issuance of a citation. Each day the violation is permitted shall constitute a separate offense.

e. ~~Any person convicted of said ordinance violation shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00).~~ For any person violating the provisions of this

Section, the penalty for the each violation shall be Twenty Five Dollars (\$25.00) as provided by the Ordinance Violations Bureau (See Sec. 2-140 *et seq.*).

SECTION 2. That *Terre Haute City Code* Chapter 2, Sec. 2-143 Ordinance Violations Bureau Chart of Violations & Penalties is hereby amended by the insertion of following text:

**CHART OF VIOLATIONS AND PENALTIES**

<u>TERRE HAUTE CITY CODE §</u>	<u>SUBJECT MATTER</u>	<u>CIVIL PENALTIES</u>	<u>FIRST OFFENSE</u>
<u>6-262</u>	<u>Graffiti Abatement</u>		<u>\$25.00 each offense (Gen. Ord. No. 1, 2014)</u>

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: \_\_\_\_\_ Norman Loudermilk, Councilman

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Amy Auler, President

ATTEST: \_\_\_\_\_ Charles P. Hanley, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST: \_\_\_\_\_ Charles P. Hanley, City Clerk