



# City of West Allis

## Legislation Text

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**File #:** O-2008-0022, **Version:** 1

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An Ordinance to Create Section 18.08 of the West Allis Revised Municipal Code Relating to Graffiti Abatement.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 18.08 of the Revised Municipal Code of the City of West Allis is hereby created to read:

### 18.08 GRAFFITI ABATEMENT.

#### (1) Definition.

In this section, "graffiti" means any inscription, word, figure or design marked, scratched, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar substances on buildings, construction sites, fences, structures, equipment and similar places without the express permission of the owner or operator of the property.

#### (2) Public Nuisance.

The Common Council hereby finds that graffiti is detrimental to property values; degrades the community; causes an increase in crime; is inconsistent with the City's property maintenance goals and aesthetic standards; and, unless it is quickly removed from public and private property, results in other properties becoming the target of graffiti. Graffiti is hereby declared a public nuisance as it affects the public health, safety and general welfare of the community.

#### (3) Graffiti Prohibited.

No owner or operator of any real property within the city may maintain or allow any graffiti to remain upon any building, construction site, fence, structure, or equipment located on such property when the graffiti is visible from the street or other public or private property. No owner or operator of a dumpster or other receptacle for temporary storage of discarded materials, garbage, waste, or other miscellaneous items may maintain or allow any graffiti to remain upon the dumpster or other receptacle.

#### (4) Notification By Police Department.

(a) Whenever a police officer determines that graffiti on any building, construction site, fence, structure, dumpster or other receptacle, or equipment within the city is visible from the street or other public or private property, the police officer shall mail or cause to be mailed, by first class mail to the last known address of the owner or registered agent, a written order directing the owner to abate the

graffiti in a timely manner. The order shall include a description of the graffiti and premises, a date of issue, a statement of the consequences of the failure to remove the graffiti, an explanation of the right to petition the Property Maintenance Code Appeals Board for a hearing within twenty (20) days, a statement that any property owner or registered agent who does not file a petition for a hearing waives the right to assert that the graffiti did not meet the criteria for removal under this section, and a statement informing the property owner or registered agent that the property must be brought into compliance within twenty (20) days. Such order shall also be posted on the front door or other conspicuous place on the property.

(5) Hearing And Appeals Procedure.

(a) A property owner or registered agent may appeal the order to the Property Maintenance Code Appeals Board, established pursuant to Section 13.28(14), by filing a written request for a hearing with the city clerk within twenty (20) days of the date of the issuance of the abatement order.

(b) The appeal and hearing procedure shall conform to the standard rules and hearing procedures of the Property Maintenance Code Appeals Board. The appellant shall not be required to pay any appeals fees.

(c) Upon receipt of the hearing request, the police officer shall halt the abatement of the nuisance, pending the decision of the Property Maintenance Code Appeals Board.

(d) If the Property Maintenance Code Appeals Board upholds the abatement of the nuisance, the property owner or registered agent may appeal the decision within thirty (30) days to the circuit court.

(e) If a property owner or registered agent does not file a timely written request for a hearing with the Property Maintenance Code Appeals Board, he or she waives the right to assert that the graffiti did not meet the criteria for abatement under this section.

(6) Abatement Of Nuisance.

Within twenty (20) days of the date of the abatement order, if the property owner or registered agent has not filed a petition or abated the nuisance, the City or a private contractor at the City's direction may enter the property and abate the graffiti upon exterior walls of buildings, fences, equipment, dumpsters or other receptacles, and other structures on the property that are visible from the street or other public or private property. The City or private contractor shall make all reasonable efforts to minimize damage from such entry. A property will be deemed abated when the graffiti has been obliterated by primer paint, sandblasting, water blasting, chemical solvents, or other means that serve to obliterate the graffiti. Primer paint shall closely match the background color or colors of the object being painted.

(7) Costs.

The cost of the graffiti abatement shall be collected as a special charge against the property pursuant to Wis. Stat. Section 66.0627 for the costs of the services provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stats.

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-CreateSec18.08GraffitiAbatement