

Chapter 6 GRAFFITI

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6-6-1: GRAFFITI PROHIBITED:

It is hereby declared to be a nuisance and to be unlawful for any person to place or put, by any means, any drawing, inscription, figure, symbol, or mark or any type commonly known as graffiti on any public or private property without the permission of the owner of the premises on which the surface is located, or upon any natural surfaces such as rocks or trees, or any other surface whatsoever. (Ord. 2363)

6-6-2: GRAFFITI REMOVAL REQUIRED:

Any person found to be in violation of section [6-6-1](#) of this chapter shall be required to remove or cause to be removed the graffiti from the surface on which it was placed. Inasmuch as it is often not possible to determine the identity of the person who applied the graffiti, it shall be the duty of the owner or person in control of the premises on which the graffiti has been applied to promptly remove the graffiti after notice as hereinafter set forth. If, after notice as hereinafter provided, the graffiti nuisance is not abated, the city shall proceed to abate the graffiti nuisance and the costs of same shall be assessable against the property. (Ord. 2363)

6-6-3: GRAFFITI NOTICE TO REMOVE:

- A. Whenever the chief of police or his designated representative discovers graffiti on any public or private property or any surfaces visible to persons utilizing public rights of way within the city, he shall, whenever seasonal temperatures permit the painting of exterior surfaces, cause a notice to be issued to the owner or person in control of the premises to abate the nuisance and remove the graffiti or cover it with paint or other suitable substance.
- B. Said notice shall be served upon the owner(s) of the affected premises, as shown on the last property tax assessment rolls of Canyon County, Idaho, with a copy to the occupant of the premises. If there is no known address for the owner, the notice shall be served at the property address. Service of the notice may be accomplished through personal service on the owner, occupant, or person in charge or control of the property or by certified mail.

C. Notice shall be in writing and shall clearly state that the owner or person in charge or control of the property is required by this chapter to remove from public view or paint over the graffiti within fifteen (15) days of receipt of the notice; that failure to so abate will cause the city to abate the nuisance and to assess the costs to the owner; that failure to pay said costs within thirty (30) days of receipt of billing shall result in an assessment against the property, collectable with the property taxes; that the owner or person served may, within ten (10) days of receipt of the notice, deliver in writing to the chief of police his objections to the removal requirement and request a hearing before the city council. (Ord. 2363)

6-6-4: CITY ABATEMENT OPTION:

Nuisances which remain unabated after notice, may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

A. If after fifteen (15) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address as shown in current official Canyon County assessor records, no abatement of the nuisance has occurred, the designated enforcement officer shall provide a second ten (10) day notice to be delivered to the property owner by certified mail or personal service, which shall indicate the following:

1. That if the property owner fails to abate the nuisance, the city shall take steps to abate the same.
2. That the property owner may contract with the city to abate the nuisance and pay costs of the same.
3. That if the city abates the nuisance, all costs and expenses of abatement shall be billed and assessed against the property owner, and if unpaid, shall become collectable as a special assessment with property taxes.
4. That the property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the designated enforcement officer prior to expiration of the ten (10) day notice, and that abatement by the city will proceed if the property owner has not exercised this option to request a hearing.
5. If said certified notice is returned as undeliverable, or is unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

B. When the ten (10) day notice has expired without a request for hearing, the mayor's designated enforcement officer is authorized to remove, abate or destroy the nuisance. The designated enforcement officer is authorized to utilize city personnel to abate the nuisance or to contact the mayor or chief of police in regard to contracting for an outside party to abate the nuisance.

C. If the city abates any nuisance under the provisions of this chapter, a statement of charges billed to the property owner shall be mailed or personally delivered to the property owner.

D. If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state law, be assessed as a special assessment collectable against the subject property as other state, county and municipal taxes.

E. If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given the property owner after the council decision so that the property owner shall have additional opportunity to abate the nuisance or to pursue any legal remedies or defenses at the district court level. (Ord. 2363)

6-6-5: PENALTY: 

A violation of any provision of this chapter shall be a misdemeanor as prescribed in section [1-1-7](#) of this code. (Ord. 2363)