

Greensboro (since 1999)

Sec. 18-8. Graffiti—Generally.

- (a) *[Graffiti defined.]* Graffiti shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on public or private building, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act. However, it shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings, or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.
- (b) *Graffiti prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, streets, sidewalks, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for a second and subsequent offenses. In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions, of the restitution.
- (c) *Removal of graffiti.* It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00). In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this sections shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.
- (d) *Severability.* The provisions of this section shall be deemed severable. If any portion of this section is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this section.

(Ord. No. 99-68, § 1, 5-4-99)

Sec. 18-9. Same—Providing notice to property owners or their agents or managers.

- (a) *Notice.* Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in paragraph (b) of this section, it must also notify all other persons whose names appear on the tax rolls of the City of Greensboro as having an interest in the property. Notice shall be given by personal

service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of the City of Greensboro as having an interest in the property. All notices shall state the procedure for appeals under this section.

- (b) *Costs and liens.* If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within fourteen (14) days from receipt of the notice described in paragraph (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorneys fees and costs related to enforcing this section; and/or the city may record a lien in the public records of Guilford County, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.
- (c) *Appeals.* A property owner or his agent or manager has **seven (7) calendar** days from receipt or posting of the notice to file for an appeal. The appeal must be made in writing to the city manager or his designee. After a reasonable opportunity to be heard, the city manager or his designee shall make a prompt decision regarding the alleged violation of this section. **Any decision of the city manager may be appealed to superior court in the nature of certiorari.**

(Ord. No. 99-68, § 2, 5-4-99)