

GRAFFITI

CHAPTER 14: NUISANCES ARTICLE V. GRAFFITI

Sec. 14-122. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Richardson.

Graffiti means any unauthorized form of painting, scratching, writing or inscription including initials, slogans, symbols or drawings, regardless of the content or nature of the material that has been applied to any wall, building, fence, windows, sign or other structure or surface and is visible from any public property or right-of-way or is visible from the private property of another person. Graffiti does not include any of the foregoing used for advertising purposes that are placed on any property in compliance with any applicable city ordinance, state or federal law.

Guardian means:

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person less than 17 years of age.

Neighborhood services manager means the Neighborhood Services Manager of the City of Richardson or designee.

Owner means any person or firm owning property, acting as manager or agent for the owner of property, or in legal possession or control of tangible property.

Parent means a person who is a natural parent, adoptive parent or stepparent of another person.

Unauthorized means without the consent of the owner, or without authority of law, regulation or ordinance.

(Ord. No. 3502, § 1, 3-14-05)

Sec. 14-123. - Declaration of nuisance.

- (a) The city council finds that graffiti that is visible from a public place, public right-of-way, or the property of others:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private and public property;
- (3) Invites vandalism, additional graffiti, and other criminal activities; and
- (4) Produces urban blight adverse to the maintenance and development of the city.

(b) The presence of graffiti on tangible property where it is visible from a public place, public right-of-way or from another's property is therefore declared to be a public nuisance.

(Ord. No. 3502, § 1, 3-14-05)

Sec. 14-124. - Offenses.

(a) It shall be unlawful for any person, group, organization or club to apply graffiti on any tangible property in the city.

(b) A parent or guardian commits an offense if the parent or guardian knowingly permits or by insufficient control allows the minor to apply graffiti on tangible property in the city.

(Ord. No. 3502, § 1, 3-14-05)

Sec. 14-125. - Owner responsibility.

(a) An owner of tangible property commits an offense if, after the 15th calendar day of receiving notification from the city as provided by this section, the owner fails to completely paint over or remove graffiti from the owner's property.

(b) Prior to submitting notice to an owner to remove graffiti as provided in this section, the director of neighborhood services shall make an offer to the owner, in writing, to remove the graffiti from the owner's property free of charge. If, in writing the owner refuses said offer, the director of neighborhood services shall have the authority to give notice to the owner in accordance with this section. The director of neighborhood services shall serve written notice to the owner requiring the removal of the graffiti from the property within 15 calendar days after the date the notice is received. The notice shall contain:

- (1) The date and nature of the violation;
- (2) The physical location of the violation by street address or lot and block number;
- (3) The name of the owner; and
- (4) A statement that if the graffiti is not completely painted over, or removed within 15 calendar days after such notice is received, the city or its designee may, without further notice, enter upon the owner's property, remove the graffiti and charge the costs incurred to the owner. If the city or its designee removes the graffiti, the cost of removal may be charged to the property owner and a lien may be filed against the owner's property.

(c) The notice required by this section may be served by:

- (1) Personal delivery in writing; or
 - (2) Letter sent by United States certified mail, return receipt requested, to the owner at the owner's address as shown in the records of the appraisal district where the property is located; or
 - (3) If service cannot be obtained under subsections (c)(1) or (c)(2), then notice must be served by:
 - (A) Publication at least once in a newspaper of general circulation in the city; or
 - (B) Posting the notice on or near the front door of each building on the premises to which the notice relates; or
 - (C) Posting notice on a placard attached to a stake driven into the ground on the premises to which the notice relates.
 - (d) Notice will be deemed to have been received:
 - (1) For personal service, as of the date the notice was given personally to the owner;
 - (2) For mailed notice, three days after it was mailed;
 - (3) For notice by publication, on the date the notice was published in the newspaper; or
 - (4) For notice by posting, ten days after the notice was posted.
 - (e) A citation for violation of subsection (a) may be issued on or after the 15th calendar day after the date the notice is deemed received.
 - (f) If the owner does not comply with this article on or before the 15th day after the notice is deemed received, the city or its designee may enter the property and do the work necessary to abate the graffiti.
 - (g) A property owner shall not be required to remove graffiti under this section if:
 - (1) the graffiti is located on transportation infrastructure or
 - (2) the removal of graffiti would create a hazard for the person performing the removal.
- (Ord. No. 3502, § 1, 3-14-05; Ord. No. 3791, § 1, 9-27-10; Ord. No. 4143, § 11-9-15)

Sec. 14-126. - Assessment of expenses; liens.

- (a) The city may assess expenses incurred by the city for the abatement of graffiti pursuant to this section against the real property on which the work was done.
- (b) To obtain a lien against the property, the director of neighborhood services must file a statement of expenses with the county clerk of the county in which the property is located. The statement of expenses must contain:
 - (1) The name of the owner, if known;
 - (2) The legal description of the property; and
 - (3) The amount of expenses incurred under subsection (a).
- (c) The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum on the amount due from the date of payment by the city.

(d) The lien is subordinate to:

(1) Any previously recorded lien; and

(2) The rights of a purchaser or lender for value who acquires an interest in the property subject to the lien before the statement of expenses is filed by the city.

(Ord. No. 3502, § 1, 3-14-05; Ord. No. 3791, § 1, 9-27-10)