

**PROPOSED ORDINANCE SUPPLEMENTAL
AMENDING CHAPTER 140, GRAFFITI**

Whereas, Chapter 10 of the Code of Ordinances concerns graffiti and specifically deals with prohibitions and penalties for creating and placing graffiti; and

Whereas, graffiti has a negative impact on neighborhoods, is unsightly and creates a perception of lack of order; and

Whereas, it has been determined that it is in the best interest of the City of Stamford that Chapter 140 include provisions requiring property owners to remove graffiti from their properties in a timely manner.

Now, therefore, be it ordained in the City of Stamford that:

Chapter 140 is hereby amended as follows:

Sec. 140-1. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

Abate shall mean to remove or eliminate the graffiti by such means, in such a manner and to such an extent as is necessary to remove the graffiti.

Graffiti shall mean any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or any other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages or destroys the real or personal property of another. This chapter shall not be construed to prohibit easily removable chalk markings on public sidewalks and streets used in connection with traditional children's games.

Owner shall mean the owner of record of the property set forth in the records of the City of Stamford's Tax Assessor Office.

Public View shall mean said graffiti is visible to people utilizing the public right-of-way.

Responsible Party shall mean any person that owns, leases, operates, manages, or otherwise possesses and/or controls said property.

Sec. 140-2. Prohibited acts.

(a) No person shall write, paint or place any paint, chalk or any other substance or substances or otherwise mark, scratch, place, carve or etch graffiti on the real

or personal property of another, whether said real or personal property be publicly or privately owned, unless the owner of such property has specifically consented to the same, prior to the commission of such act or acts.

~~[(b) *Permitting Graffiti To Remain on Certain Non-Residential Property Prohibited:* For purposes of this section only, a non-residential property shall be defined as all real property parcels within the City of Stamford, other than those which contain improvements of four (4) or fewer dwelling units where at least one (1) unit is owner-occupied. No owner or responsible party of a non-residential property, as defined herein, shall permit any graffiti which is within public view within the City of Stamford to remain on any building, structure, or other property owned, controlled or possessed by such person or responsible party. The owner or responsible party shall abate said graffiti within the guidelines of this Chapter.]~~

(b) No owner or responsible party of any real or personal property shall permit any graffiti which is within public view within the City of Stamford to remain on any building, structure, or other property owned, controlled or possessed by such person or responsible party. The owner or responsible party shall abate said graffiti within the guidelines of this Chapter.

(1) *Notice to Property Owner.* . **In the event the person violating §140-2(a) of this ordinance is not identified within thirty (30) days of such violation, [7]**the City shall cause a written notice to be served upon the owner or responsible party of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of the City of Stamford, directing the abatement of said graffiti.

The Chief of Police or his Designee shall identify an owner or responsible party of said property and send that party a certified letter of notice describing the nature and location of the graffiti and requesting that the graffiti be removed within thirty (30) days; and give notice that failure to remove the graffiti is a violation of this Chapter and may be subject to penalties.

Sec. 140-3. Violations and penalties.

(1) Any person violating any provision of subsection 140-2(a) shall be punished by a fine equal to ninety dollars (\$90.) **and shall have the responsibility to abate the graffiti.** Each instance of graffiti on each property shall be deemed a separate and distinct offense.

(2) Failure to abate Graffiti after notification and within specified time frame shall result in the following penalties:

a) The failure of an owner or responsible party to remove graffiti within the prescribed 30-day period as set forth in subsection 140-2(b), hereby constitute an infraction and can be punishable by a fine up to ninety dollars (\$90.), upon

first violation thereof.

b) For each day such a violation continues uncorrected shall be deemed a separate and distinct offense and the owner or responsible party can be fined ten dollars (\$10.) per day.

c) The Anti-Blight Officer, as set forth in section 146-45, is hereby authorized, in accordance with the provisions of section 7-148aa of the Connecticut General Statutes and this Article, to place a lien on any and all property as security for any unpaid penalty or fine on behalf of the City. With the written approval of the chairperson of the Anti-Blight Committee, the Anti-Blight Officer may waive and release said penalties and liens in the event the city acquires the property or at the time of the sale of the Property, if, in his or her opinion, the buyer has the financial ability and the intention to immediately abate the graffiti or hold all penalties and liens in abeyance until all abatement is completed.

This ordinance shall take effect upon enactment.