

## **20-4 INJURING PROPERTY; GRAFFITI.\***

### **20-4.1 Reserved.**

(Ord. #2003-34, §2; repealed by Ord. #2005-7, §9)

### **20-4.2 Graffiti Vandalism.**

A. *Short Title.* This section may be cited as the "Graffiti Vandalism Ordinance."

B. *Intent.* Graffiti is a form of vandalism which injures and stains Santa Fe. It is a public purpose and the intent of this section to eradicate or minimize this visual blight.

C. *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Graffiti* means unauthorized painting, writing or inscription.

(2) *Person* means an individual, corporation, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest or any other legal entity.

D. *Office of Anti-Graffiti Coordination.* The governing body creates an office of anti-graffiti coordination within city government. The office's primary charge is graffiti eradication in Santa Fe. The office shall be a centralized source of education, advice and assistance on the removal and avoidance of graffiti as well as the place for the city to collect information on graffiti's occurrence on both public and private property. The office shall study and advise on strategies and programs to eradicate or minimize graffiti, including, but not limited to, licensing to assure responsible retailing of spray paint and markers. The director of the office shall make semi-annual reports to the governing body starting on July 1, 2006. The director of the office shall also introduce to the governing body by July 1, 2007 amendments to subsection 20-4.2 SFCC 1987 which seem appropriate.

E. *Elimination of Graffiti.*

(1) Whenever the city becomes aware of the existence of graffiti on any real property, including structures, within the city and visible from the public right-of-way or city-owned land, the office of anti-graffiti coordination shall give or cause to be given notice that the graffiti should be removed or effectively obscured within ten (10) days of

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notice being conveyed by the city, removal being either by the person in charge of the property or by the city or the city's agent. A reasonable, good faith effort shall be made to deliver the notice to the owner or person in charge of the property. The owner or person in charge of the property may cause the graffiti to be removed or completely obliterated; if this is that person's intent they should so advise the office of anti-graffiti coordination within ten (10) days from the time the notice is delivered if the property owner/agent will remove the graffiti within the time specified. Within a similar period, the owner/agent may advise the office that the marking identified was authorized by the owner or person in charge of the property and thus is not graffiti as herein defined; the city will then not authorize removal.

(2) The director of the office of anti-graffiti coordination shall implement a program of graffiti removal.

(a) If the owner or person in control of the property does not notify the office of anti-graffiti coordination that they will remove the graffiti or alternatively that it is not graffiti because the installation was authorized as provided in paragraph E.(1) of this section, it will be deemed to be consent to the city's entering on the property and removing or completely obliterating the graffiti; any color used shall be similar to that of the structure affected.

(b) The office of anti-graffiti coordination is authorized to use city employees, contractors, volunteers, and prisoners who have been duly made available for such graffiti removal work.

(3) The office of anti-graffiti coordination is authorized to assure that all graffiti on city-owned property is eliminated by the next business day of discovery or report, weather permitting.

(4) The office of anti-graffiti coordination shall ensure coordination and set standards for all graffiti removal work performed by the city or its agents.

(5) The city shall make all reasonable efforts to collect/recover from perpetrators of graffiti all costs associated and all damages caused by such perpetrators of graffiti vandalism. If the city is unable to collect/recover the costs to the city for removal of the graffiti from the perpetrators, the city shall make all reasonable efforts to collect/recover these costs from the property owner.

(6) If the graffiti is of a nature that the city is unable to easily remove or cover up including, but not limited to, irregular surfaces or glass etching, the property owner shall eliminate the graffiti. In such cases, the property owner shall be responsible for collecting from the perpetrator.

F. *Administrative Fees:*

(1) In an effort to remediate graffiti vandalism and maintain the beauty of Santa Fe, the city shall assess the following fees upon perpetrators of graffiti vandalism. The level of incidence shall be based upon the total extent of graffiti attributable to the perpetrator as determined by information provided by the graffiti vandalism data base maintained by the office of graffiti coordination.

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| (a) | Less than sixteen (16) square feet of graffiti                   | \$100. |
| (b) | Between sixteen (16) and sixty-four (64) square feet of graffiti | \$200. |
| (c) | Over sixty-four (64) square feet of graffiti                     | \$500. |

(2) The administrative fees may be appealed to the municipal court.

(3) The fees collected shall be used to support the office of graffiti coordination.

(4) The city may place a lien upon property owned by the perpetrator for any fees not paid within three (3) months of notice of the administrative fee.

(Ord. #2003-34, §3; Ord. #2004-32, §1; Ord. #2005-7, §10; Ord. #2006-35, §2)