

ORDINANCE NO. 931

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 8
HEALTH AND SAFETY REGARDING GRAFFITI**

WHEREAS, the City of Stayton Municipal Code (SMC) does not currently address graffiti that is left in visible locations within the City and does not direct property owners to remove or clean the graffiti;

WHEREAS, nationally it has been shown and the Council finds and declares that graffiti left in an area of a community will attract people to paint more graffiti. Graffiti has also been shown to encourage criminal gang activity. Graffiti also detracts from the community;

WHEREAS, it is the City's desire to prohibit graffiti and require property owners to remove graffiti;

WHEREAS, other municipalities have successfully enacted ordinances to prohibit graffiti and require the removal of graffiti;

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. SMC Title 8 Health and Safety Chapter 8.04 Nuisances Section 8.04.010 is hereby amended by adding the following definitions:

GRAFFITI: Any inscription, words, figures or designs that are marked, etched, scratched, drawn, painted, pasted or otherwise affixed to the surface of property.

GRAFFITI NUISANCE PROPERTY: Property to which graffiti has been applied, if the graffiti is visible from any public right-of-way, any other public or private property or from any premises open to the public, and if the graffiti has not been abated within the time required by this Chapter.

OWNER: The legal owner of property or a person in charge of property.

PROPERTY: Any real or personal property and that which is affixed, incident or appurtenant to real property, including but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.

SECTION 2. SMC Title 8 Health and Safety Chapter 8.04 Nuisances Section 8.04.300 is hereby enacted to read as follows:

8.04.300 GRAFFITI NUISANCE PROPERTY

1. Graffiti creates a visual blight and property damage. When graffiti is allowed to remain on property and not promptly removed, it invites additional graffiti, gang activity, criminal activity, and constitutes a nuisance.
2. Any property within the City which becomes graffiti nuisance property is in violation of this Chapter.
3. Any owner of property who permits said property to be a graffiti nuisance property is in violation of this Chapter.
4. In the event that the City determines the property is a graffiti nuisance property, the City may order the nuisance be abated as provided in Sections 8.04.230 thru 8.04.290, above.

SECTION 3. This ordinance shall become effective 30 days following enactment by the Stayton City Council and the Mayor's signing.

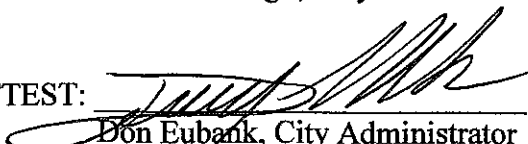
ENACTED BY THE STAYTON CITY COUNCIL ON MAY 2, 2011.

Signed: 5/2, 2011

CITY OF STAYTON

By: 
A. Scott Vigil, Mayor

Signed: 5/2, 2011

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney