

## Chapter 8.13

### GRAFFITI REMOVAL

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#### 8.13.010 Graffiti deemed nuisance.

- A. Graffiti and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates and other structures, trees, and other real and personal property within the city constitutes a nuisance.
- B. Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, obtaining convictions for such acts is difficult because the offenses involving such offenses can be committed so very quickly and secretively that witnesses to the acts are frequently nonexistent.
- C. Although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of the illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value. (Ord. 5650 § 1, 2002.)

#### 8.13.020 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

- A. “Graffiti” means the defacing, damaging, or destroying by spraying of paint or marking of ink, chalk, dye, or other similar substances on public or private buildings, structures, and places, including natural features of the environment.

B. “Graffiti abatement procedure” means the abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

C. “Private contractor” means any person with whom the city shall have duly contracted to remove graffiti. (Ord. 5650 § 1, 2002.)

### 8.13.030 Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate or other structure, tree, or other real or personal property, either publicly or privately owned, any drawing, inscription, figure, or mark of the type which is commonly known and referred to as “graffiti” within the city. (Ord. 5650 § 1, 2002.)

### 8.13.040 Graffiti – Notice of removal.

A. Whenever the mayor, or their designated representative, determines that graffiti exists on any public or private buildings, structures, and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the city, the mayor or their designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have ~~15~~ 3 calendar days after the date of the notice to remove the graffiti or the same will be subject to abatement by the city; provided, that when weather and/or seasonal temperatures are not conducive to such abatement, the mayor, or their designated representative, may continue and/or delay the time for completion of abatement until the weather and seasonal temperatures reasonably permit the painting of exterior surfaces.

~~B. The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner’s name and address appears on the last property tax assessment rolls of the county in which the property is located. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:~~

- ~~1. By personal service on the owner, occupant or person in charge or control of the property;~~
- ~~2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.~~

~~C. The notice shall be substantially in the following form:~~

~~Notice of Intent to Remove Graffiti~~

Date:

To:

~~NOTICE IS HEREBY GIVEN that you are required, by Ordinance of the City of Auburn, at your own expense, to remove or paint over the graffiti located on the property commonly known as (address), Auburn, Washington, which is visible to public view, within fifteen (15) days after the date of this notice; or, if you fail to do so, the City requires the nuisance to be abated by removal or painting over of the graffiti. The cost of the abatement by the City or private contractors employed by the City to abate the nuisance will be assessed upon your property and such costs will constitute a lien upon the land until paid.~~

~~All persons having any objection to, or interest in said matters, are hereby notified to submit any objections or comments to the Mayor of the City of Auburn or their designated representative, within ten (10) days from the date of this notice. If no objections or comments to the notice are received by the City, the City will, at the conclusion of the fifteen (15) day period, proceed with abatement of the graffiti inscribed on your property at your expense without further notice.~~

(Ord. 5650 § 1, 2002.)

#### 8.13.050 City costs enforceable – Debt – Lien.

Any and all costs incurred by the city in the abatement of the graffiti nuisance as provided in this chapter shall constitute a debt owed to the city by the property owner or person in charge or control of the property, and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts. (Ord. 5650 § 1, 2002.)

#### ~~8.13.060 — Appeal.~~

~~Within 10 days from the mailing or from personal service of the notice of intent to remove graffiti, the owner or person occupying or controlling the premises affected may appeal the matter to the Auburn city council. Filing of an appeal will stay, during the pendency of the appeal, any enforcement or actions by the city to abate the graffiti nuisance. There shall be no fee required for filing such an appeal. (Ord. 5650 § 1, 2002.)~~

#### 8.13.070 Removal Abatement by city.

A. Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the mayor, or their designated representative, approves, then the mayor or designee is authorized and directed to cause the graffiti to be abated by city forces or by private contract, and the city or its private

contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate or cover graffiti shall be as close as practicable to background color(s). If the mayor or designee provides for the removal of the graffiti, they shall not authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located.

B. Property owners in the city of Auburn may consent in advance to city entry onto private property for graffiti removal purposes. (Ord. 5650 § 1, 2002.)

**The Auburn City Code is current through Ordinance 6842, passed November 15, 2021.**

Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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