City of Asheville Ordinance Number _____

Ordinance Description

Ordinance amending Chapter 10, Article VI, Regulation of Graffiti, of the Code of Ordinances of the City of Asheville

Ordinance Details

Whereas, the City of Asheville has the authority pursuant to N.C. Gen. Stat. § 160A-174 to by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances; and

Whereas, the City of Asheville adopted Ordinance 4306 on April 22, 2014, which added Article VI (Regulation of Graffiti) to Chapter 10 (Nuisances) of the City of Asheville Code of Ordinances; and

Whereas, the City Council of the City of Asheville declares that the existence of graffiti on public and private property is a public nuisance as it is destructive of the rights and values of property owners as well as the entire community and a detriment to the health, safety, and welfare of its citizens; and

Whereas, the City Council of the City of Asheville finds it in the best interest of the health, safety, welfare and the peace and dignity of the city to amend the definition of “graffiti” established by City Council in Ordinance 4306 to exclude certain types of temporary, easily removable and/or water soluble chalk art made on sidewalks and streets in the City of Asheville;

Now. therefore, be it ordained by the City Council of the City of Asheville that:

Section 1

Chapter 10 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

1. **Strike Section 10-110 (“General”) in its entirety and replace it with the following (note: the only change is to subsection (b)):**

Sec. 10-110. General.

(a) *Purpose.* Graffiti is destructive of the rights and values of public and private property owners as well as the entire community. Unless the city council acts to enforce removal of graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, entire neighborhoods are affected and become less desirable places in which to live, work and visit, all to the detriment of the city; and is hereby declared a public nuisance. The city council intends through the adoption of this

article to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement.

The city does not intend this article to conflict with existing anti-graffiti state laws, including but not limited to malicious injury to property.

(b) *Definitions.*

Graffiti: Writings, drawings, inscriptions, figures or marks of paint, ink, dye, sprayable chalk (including chalk paint, marking chalk, inverted chalk, and similar substances), or other similar substances on public or private buildings, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. Markings made using temporary, easily removable chalk or other water soluble markings are not included in this definition if made upon streets or sidewalks unless it is determined that such markings create a public safety risk. This definition shall not be construed to prohibit any markings used to denote the location of underground utility infrastructure and those used in conjunction with establishing survey control data and location points by survey crews. For the purposes of this chapter, graffiti shall include drawings, writings, markings or inscriptions regardless of the content or nature of materials used in the commission of the act, except as otherwise provided herein.

Perpetrator: The person who engages in graffiti.

Person: Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Property owner: The owner of the property, such property owner's agent or any person in lawful control or possession of the property.

(c) *Use of public funds.* Whenever the city becomes aware of or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city shall be authorized to use public funds to assist in the removal, painting, obscuring or repairing of the graffiti.

Section 2

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4

This ordinance will become effective upon adoption.

Read, approved, and adopted on first reading on this 14th day of April, 2026; and the second and final reading on the 28th day of April, 2026.

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Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk