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~~, chalk,~~ 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. ~~Provided however, this definition shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings which are used in connection with traditional children's activities such as drawings of bases for ball games, hopscotch and similar activities, nor does it include temporary, easily removable markings used in connection with any lawful business or public purpose or activity and 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.~~

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.