

**CITY OF GRANITE FALLS
ORDINANCE NO. 782-09**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS,
WASHINGTON, ADOPTING REGULATIONS RELATING TO
GRAFFITI AND NUISANCES AND AMENDING CHAPTER 9.84 OF
THE GRANITE FALLS MUNICIPAL CODE.**

WHEREAS, the City of Granite Falls and the surrounding area in Snohomish County have seen a growing trend of graffiti, which constitutes the crime of malicious mischief under state law; and

WHEREAS, the removal and control of graffiti is essential to taking a proactive stance to prevent not just this crime but the breeding ground for other criminal activity by following the 'Broken Windows Theory of Crime Prevention', which holds that if minor criminal offenses such as graffiti are allowed to continue unchecked other criminal conduct will follow; and

WHEREAS, the approach of this ordinance is the same approach that has been tried and tested in other communities across the United States, which is to establish a requirement and process for property owners or the City to quickly remove graffiti from the community whenever it appears, including the right of property owners to notification and appeal and the right to the City to recover its removal costs; and

WHEREAS, this ordinance is necessary for the protection of public health, safety, and welfare;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
GRANITE FALLS HEREBY ORDAIN AS FOLLOWS:**

Section 1. Chapter 9.84 of the Granite Falls Municipal Code is hereby amended by adopting GFMC 9.84.120 to read as follows:

9.84.120 Graffiti.

Every person who allows, permits or maintains any writing, painting or drawing 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 shall be guilty of committing a public nuisance. "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.

Section 2. Chapter 9.84 of the Granite Falls Municipal Code is hereby amended by adopting GFMC 9.84.130 to read as follows:

9.84.130 Appeal.

A. The city council shall hear all appeals taken from the administration of this chapter; provided that the council may delegate the appeal to an appointed hearing officer whose decision shall be the final decision of the city. The council or hearing officer shall hear evidence presented by the enforcement officer and by the person appealing the notice of removal or abatement.

B. Appeal Procedure.

1. All appeals shall be filed in writing with the city clerk. All appeals must be filed within ten days of the date of receiving the notice for removal or abatement from the police chief under GFMC 9.84.030.

2. All appeals shall contain the following:

a. The names of the appellants participating in the appeal.

b. A brief statement setting forth the action protested and the reason why it is claimed such protested action should be reversed, modified or otherwise set aside.

c. The signature of all parties named and telephone numbers and mailing addresses.

d. Verification, by declaration under penalty of perjury, of at least on appellant of the truth of the matter stated in the appeal. Upon receiving the appeal, the city clerk shall transmit the same to the city council as provided herein.

3. Failure of any person to file a timely appeal or failure of any person who has filed an appeal to attend the scheduled hearing shall constitute a waiver of his or her right to an appeal hearing.

4. A copy of the final order of the city council or hearing officer shall be mailed to or personally served on the appellant(s) within three working days following the entry of a written order under this section.

5. If the final order upholds the notice of removal or abatement, the public nuisance must be removed or abated within ten days of receiving the final order or within such other time period as set forth in the order. If the public nuisance is not removed or abated within said time period, the city may proceed with the removal or abatement as provided in this chapter.

Section 3. Chapter 9.84 of the Granite Falls Municipal Code is hereby amended by amending GFMC 9.84.030 to read as follows:

9.84.130 Forced abatement.

If within ten days after receiving a notice in writing for the abatement of any nuisance under this chapter, signed by the police chief or his authorized representative, the property owner or person committing the public nuisance shall fail, neglect or refuse to remove or abate the same, such nuisance may be removed or abated by the city, and the property owner or person committing the public nuisance, in addition to incurring the penalty provided in this chapter, shall become indebted to the city for the damages, costs and charges incurred by the city in the removal of such nuisance, such costs and charges plus reasonable interest to be recovered as a personal obligation of the property owner or person committing the public nuisance and/or as a lien against the property.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

Section 5. Effective date. This Ordinance shall take effect five days after its publication by summary.

ADOPTED by the City Council and APPROVED by the Mayor this 8th day of SEPT, 2009.

CITY OF GRANITE FALLS

By Lyle Romack
Lyle Romack, Mayor

ATTEST:

By Darla Reese
Darla Reese, City Clerk

APPROVED AS TO FORM:

By Craig D. Knutson
Craig D. Knutson, City Attorney

Date of Publication: 09-11-09

Effective Date: 09-16-09