

**O-08-03**

**AN ORDINANCE  
AMENDING CHAPTERS 54 and 70  
DECATUR CODE OF ORDINANCES**

WHEREAS, the City Commission of the City of Decatur, Georgia, finds and determines that graffiti, as defined below, is a public nuisance and destructive of the rights and values of property owners as well as the entire community; that graffiti, promotes blight in the neighborhoods in which it occurs and encourages similar acts of vandalism; that without prompt removal of graffiti, other properties become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to live and work; and

WHEREAS, the Decatur City Commission, in the interest of public health, safety and welfare, further finds and declares that to be truly effective in the deterrence, eradication and removal of graffiti, it is necessary to implement a comprehensive anti-graffiti ordinance; and

WHEREAS, the Decatur City Commission has considered the proposed amendments to the text of the Decatur Code of Ordinances; and

WHEREAS, the Decatur City Commission wishes to approve the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED that the City Commission of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, that Chapter 70, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Decatur, Georgia, is hereby amended by adding a new section, which shall read as follows:

**“Sec. 70-29. Graffiti prohibited.**

(a) Graffiti is defined according to O.C.G.A. § 17-15A-2 as “any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush or other device capable of scarring or leaving a visible mark on any surface.

(b) It shall be unlawful for any person within the corporate limits of the city to commit the offense of application of graffiti.

(c) In determining the appropriate punishment under Code §1-12, the municipal court may suspend a portion of or the entire sentence upon such conditions to include but not be limited to the restoring of the property so defaced, damaged or destroyed, or other remedial action.”

NOW, THEREFORE, BE IT FURTHER ORDAINED that the City Commission of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, that Chapter 54, Health and Sanitation, of the Code of Ordinances of the City of Decatur, Georgia, is hereby amended as follows:

1. A new section is added, which shall read as follows:

**“Sec. 54-57.1. Maintenance of Graffiti**

(a) Graffiti is defined according to O.C.G.A. § 17-15A-2 as “any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush or other device capable of scarring or leaving a visible mark on any surface.”

(b) It shall be unlawful for the owner or occupant of any property within the city to allow any graffiti that is visible from the street or other public or private property to remain upon any building, structure, appurtenance, equipment, any container used for storage of commercial refuse, recyclables or litter, or any fixed or portable box, container or storage unit, any sign, any surface, paving or similar feature located, installed, used or maintained on such property after the fifteen (15) day compliance period provided below.”

2. Sec. 54-59, Failure to abate unlawful conditions after notice; violation of article, is amended by deleting the section in its entirety and by substituting a new section 54-59, which shall read as follows:

**“Sec. 54-59. Failure to abate unlawful conditions after notice; violation of article.** If the owner or occupant of any such property shall so maintain such property and shall fail to clean the premises or remove such items and/or graffiti as described in sections 54-56, 54-57 and 54-57.1, or if the owner or person entitled to possession of such vacant building as described in section 54-58 shall not close and secure such vacant building within 15 days after having been notified in writing by an official of the city public works department, fire department, or development department, such action on the part of the owner or occupant of the property shall constitute a violation of this article. A separate violation shall be deemed to occur for each and every day or portion thereof during which any violation of the requirements of this article is committed or continued.”

3. **Sec. 54-60, Notice contents; service**, is amended as follows:

(a) By adding the term “graffiti” to item (a) so that said item reads as follows:

“(a) Such written notice shall state what items or conditions constitute the graffiti, unsanitary or dangerous condition, health menace fire hazard that must be cleared, removed or secured.”

(b) By replacing the word “or” with the word “and” in (b) items (1) and (2), so that said items read as follows:

“(1) By delivery to the owner and occupant personally;

(2) By registered or certified mail with postage prepaid deposited in the United States mail addresses to the owner’s and occupant’s last known address.”

4. **Sec. 54-63, Report of violation; abatement procedure**, is amended by deleting the first sentence in its entirety and by substituting a sentence, which shall read as follows:  
:

“In the event of a violation of this article, the city public works department, fire department or development department, may make a written report of its findings to the city commission with recommendation that the city have the premises cleaned and have removed therefrom such items as described in this article, that constitute an unsanitary or dangerous condition, health menace or fire hazard or, in the case of a building which is vacant, unsecured and open to the public, that the city close and secure the building.”

5. **Sec. 54-63(4), Abatement by city; lien; collection of lien**, is amended by deleting the first sentence in its entirety and by substituting a sentence, which shall read as follows:

“(4) *Abatement by city; lien; collection of lien.* The city commissioners shall have the full power and authority to order that the offending premises be cleaned and/or secured and to authorize entry upon such premises for such purpose; to have graffiti removed or obliterated; to have the premises cleaned; and to have removed therefrom weeds, briars, vines, dead limbs, and branches from trees, underbrush, garbage, trash or other things thereon that will constitute an unsanitary or dangerous condition, health menace or fire hazard. In the case of a building which is vacant, unsecured and open to the public, the city commission shall have the building closed

and secured, and assess the property for the cost of the cleaning, removal and/or closing and securing. Such assessment shall constitute a lien on the property until paid. An execution in favor of the city in the amount of such assessment shall be issued by the city clerk and bear attest in the name of the mayor or mayor pro-tem and be collected in accordance with the provisions of section 85 of the city Charter as set forth in this Code.”

6. This ordinance shall be effective upon adoption.

Approved this 19<sup>th</sup> day of February, 2008.

Attest: \_\_\_\_\_