

ARTICLE 7. GRAFFITI NUISANCE

8-701. LEGISLATIVE INTENT. The City Commission of the City of Dodge City finds and declares that defacing of public or private property by painting, drawing, writing, etching, or carving, by use of paint, spray paint, ink, knife, or any similar method, commonly referred to as "graffiti vandalism", constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the city; that graffiti vandalism contributes substantially to the spread of violence and crime; and that prompt eradication of graffiti vandalism is necessary to control the spread of graffiti vandalism, and promote the public health, safety, morals and general welfare of the residents of the city.

8-702. DEFINITIONS. As used in this Chapter, the following terms shall have the meanings indicated:

- (a) City means the City of Dodge City, Kansas.
- (b) Deface means to mare the appearance of something by removing, distorting, adding to, or covering all or a part of.
- (c) Graffiti vandalism means any unauthorized defacement of public or private property by means of painting, drawing, writing, etching, or carving, by use of paint, spray paint, ink, knife, or any similar method.
- (d) Owner means any person having the right to possession and/or control of any property, real or personal, located within the city boundaries.

8-703. DECLARATION OF PUBLIC NUISANCE. All property defaced by graffiti vandalism which is visible to public view is hereby declared to be a public nuisance, and it shall be the duty of the owner of any building or property that has been defaced by graffiti to clean up or otherwise cover such graffiti, and the graffiti shall be eradicated as set forth in this chapter. Notification to the police department is desirable.

8-704. IMMEDIATE REMOVAL OF GRAFFITI WITHOUT NOTICE AUTHORIZED. Whenever any city employee authorized to enforce this chapter finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee may forthwith temporarily obliterate such graffiti, or cause the same to be temporarily obliterated, by the least destructive or damaging means then available.

- 8-705. CONCURRENT REMEDIES.** The abatement procedures set forth in this Chapter for defaced property shall not be exclusive and shall not restrict the city from concurrently enforcing other city ordinances, or pursuing any other remedy provided by law.
- 8-706. ENFORCEMENT - PERSONNEL AUTHORIZED.** In addition to all law enforcement officers, the following personnel employed by the city shall have the power to enforce the provisions of this chapter.
(1) All authorized personnel under the direction of the City Manager.
- 8-707. RIGHT OF ENTRY.** The authorized personnel are hereby expressly authorized to enter upon private property at all reasonable hours, as defined from sunrise to sunset, for the purpose of eradicating such graffiti in a manner not inconsistent with this ordinance.
- 8-708. UNLAWFUL INTERFERENCE.** It shall be unlawful for any person to interfere with or to attempt to prevent the authorized personnel from entering upon any such lot or piece of ground or from proceeding with such eradication and removal. Such interference shall constitute an ordinance violation. (Ord. 3168)