

**A BILL FOR AN ORDINANCE AMENDING** )  
**TITLE 8 CHAPTER 4 OF THE LEBANON** )  
**MUNICIPAL CODE DECLARING GRAFFITI** )  
**PROPERTY TO BE A PUBLIC NUISANCE** )  
**SUBJECT TO ABATEMENT, PROVIDING** )  
**PENALTIES FOR MAINTENANCE OF SUCH** )  
**NUISANCE AND MAKING PARENTS** )  
**RESPONSIBLE FOR THE ACTUAL COSTS** )  
**OF GRAFFITI APPLIED BY A MINOR CHILD** )

**Ordinance Bill No. 2012-8B**

**Ordinance No. 2836**

**WHEREAS**, the Council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community; and

**WHEREAS**, unless the city or property owners act to remove graffiti from public and private property, the graffiti tends to remain, making other properties the target of graffiti, and rendering affected neighborhoods less desirable places in which to live; and

**WHEREAS**, it is the purpose and intent of this ordinance to facilitate the removal of graffiti from buildings, walls and other structures in the city in order to reduce social deterioration, maintain quality of life in our neighborhoods and to promote public safety and health;

**NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:**

**Section 1.** Section 8.04.010 (Definitions) of the Lebanon Municipal Code is hereby amended to add:

F. "Graffiti" means any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public, and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public; such as public rights of way or other publicly owned property..

G. "Graffiti Nuisance Property" means property upon which graffiti has been placed and such graffiti has been permitted to remain for more than (10) days after the property owner of record has been issued notification pursuant to Section 8.08.

**Section 2.** Section 8.04.280 (Abatement Not Penalty) of the Lebanon Municipal Code is hereby renumbered as Section 8.04.310.

**Section 3.** Section 8.04 of the Lebanon Municipal Code is hereby amended to read:

8.04.280 – Graffiti Nuisance Property

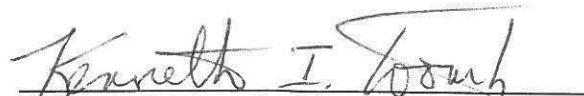
- (1) Any property, building or structure within the city which becomes a graffiti nuisance property is in violation of this Chapter and is subject to nuisance abatement procedures under LMC 8.08.

- (2) Any persons responsible for property who permit property under their control to become a graffiti nuisance shall be in violation of this Chapter and subject to its remedies. As used herein "permit" means to knowingly suffer, allow or acquiesce by any failure, refusal or neglect.
- (3) Where graffiti is applied by an unemancipated minor, the parent, guardian or other person having the legal custody of the minor shall be liable for actual damages to person or property in connection with the removal of graffiti or the costs and assessments for city abatement of the nuisance.
- (4) Persons subject to subsection (1) and (2) above may, at any time, show good cause why the city should not pursue remedies thereunder such as serious illness or disability, extremely inclement weather that temporarily prevents removal of graffiti, or other extraordinary circumstances.

Section 4. Inasmuch as the prompt enforcement and elimination of graffiti in the City is necessary for the peace, health and safety of the people of the City of Lebanon, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Passed by the Lebanon City Council by a vote of 4 for and 0 against and executed by the Mayor on this 18th day of July, 2012.

CITY OF LEBANON, OREGON

  
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Kenneth I. Toomb, Mayor   
Bob Elliott, Council President

ATTEST:

  
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Linda Kaser, City Recorder