

ORDINANCE No. 118082

COUNCIL BILL No. 111122

me

Law Department

The City of

AN ORDINANCE requiring the removal of graffiti in order to protect the public health, safety and welfare, declaring that property may become a nuisance owing to the failure of responsible parties to remove graffiti after having been requested to do so by the City, establishing a process for voluntary or involuntary clean-up of graffiti and the recovery of public clean-up expenses, creating civil remedies, and adding a new chapter to Title 10 of the Seattle Municipal Code.

INDEXED

Honorable President:

Your Committee on

OK

to which was referred the within report that we have considered the

COMPTROLLER FILE No.

Introduced: FEB 1 1 1996	By: DRAGO
Referred: FEB 1 2 1996	To: BEICD
Referred:	To:
Referred:	To:
Reported: APR 1 1 1996	Second Reading: APR 1 1 1996
Third Reading:	Signed: APR 1 1 1996
Presented to Mayor: APR 1 1 1996	Approved: APR 1 1 1996
Returned to City Clerk: APR 1 2 1996	Published: Full
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

~~Full C~~

Full C

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E-mail

No-Orisk

Department

The City of Seattle--Legislative Department

20

Date Reported
and Adopted

REPORT OF COMMITTEE

President

Committee on

was referred the within Council Bill No.

BECA

that we have considered the same and respectfully recommend that the same:

Do Pass as amended 50

~~Full Council vote 8-1 weeks~~

Committee Chair

ORDINANCE

118082

AN ORDINANCE requiring the removal of graffiti in order to protect the public health, safety and welfare, declaring that property may become a nuisance owing to the failure of responsible parties to remove graffiti after having been requested to do so by the City, establishing a process for voluntary or involuntary clean-up of graffiti and the recovery of public clean-up expenses, creating civil remedies, and adding a new chapter to Title 10 of the Seattle Municipal Code.

WHEREAS, graffiti is criminal vandalism defacing public and private property without permission of the owner, costing citizens, businesses and the City millions of dollars annually to repair; and

WHEREAS, graffiti can be a powerful visual symbol of disorder which erodes public safety, reduces the attractive physical qualities of neighborhoods, and can contribute to a downward spiral of blight and decay, lessening property values, business viability and ultimately tax revenues; and

WHEREAS, reducing graffiti requires a comprehensive strategy that includes increased efforts to apprehend and hold accountable those responsible for such vandalism, the prompt removal of graffiti as soon as reasonably possible, and the encouragement of artistic expression only on appropriate spaces obtained with the permission of public and private property owners; and

WHEREAS, there is substantial evidence that the prompt removal of graffiti is an effective prevention strategy which discourages its return while the failure to promptly remove graffiti increases the likelihood that more graffiti will occur on the same site and on other nearby property; and

WHEREAS, the City and many property owners commit resources and energy to diligently removing graffiti and the City supports the efforts of hundreds of community, business and school volunteers who work each week to remove graffiti in their neighborhoods and business districts; and

1 WHEREAS, these combined public and private efforts to reduce
2 graffiti are undermined by those few property owners who
3 fail to cooperate in cleaning graffiti from their property
4 despite requests from their neighbors and the City; and

5 WHEREAS, the failure to maintain one's property by removing
6 graffiti to a reasonable degree and within a reasonable
7 period of time constitutes a public nuisance for the reasons
8 set forth above; and

9 WHEREAS, many other jurisdictions across the United States,
10 including Portland, Phoenix, San Diego, San Francisco and
11 Los Angeles County, have adopted graffiti nuisance
12 ordinances and have found them to be a useful tool in
13 reducing graffiti, Now Therefore;

14 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

15 **Section 1:** A new chapter, Chapter 10.07, to be entitled
16 "Graffiti Nuisance Code" is added to the Seattle Municipal Code
17 as follows:

18 **10.07.010 Definitions.**

19 A. "Abate" means to remove the graffiti by such means, in
20 such a manner and to such an extent as the Director or the
21 Hearing Examiner reasonably determines is necessary to remove the
22 graffiti from public view.

23 B. "Director" means the Director of the Seattle
24 Engineering Department's Solid Waste Utility or his or her
25 designee.

26 C. "Graffiti" means unauthorized markings, visible from
premises open to the public, that have been placed upon any
property through the use of paint, ink, chalk, dye or any other
substance capable of marking property.

1 D. "Graffiti nuisance property" means property upon which
2 graffiti has not been abated after the abatement date established
3 pursuant to subsection 10.07.030B.

4 E. "Hearing Examiner" means The City of Seattle Hearing
5 Examiner and the office thereof established pursuant to Seattle
6 Municipal Code, Chapter 3.02.

7 F. "Owner" means any entity or entities having a legal or
8 equitable interest in real or personal property including but not
9 limited to the interest of a tenant or lessee.

10 G. "Premises open to the public" means all public spaces,
11 including but not limited to streets, alleys, sidewalks, parks,
12 and public open space, as well as private property on to which
13 the public is regularly invited or permitted to enter for any
14 purpose.

15 H. "Property" means any real or personal property and that
16 which is affixed, incidental or appurtenant to real property,
17 including but not limited to any structure, fence, wall, sign, or
18 any separate part thereof, whether permanent or not.

19 I. "Responsible party" means an owner, or an entity or
20 person acting as an agent for an owner by agreement, who has
21 authority over the property or is responsible for the property's
22 maintenance or management. Irrespective of any arrangement to
23 the contrary with any other party, each owner shall always be a
24 responsible party for the purposes of this chapter. There may be
25 more than one responsible party for a particular property.
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1 J. "Unauthorized" means without the consent of a
2 responsible party.

3 **10.07.020 Violation of chapter.**

4 A. Any property located in the City of Seattle that
5 becomes a graffiti nuisance property is in violation of this
6 chapter and is subject to its remedies.

7 B. Every responsible party who permits a property to
8 become a graffiti nuisance property is in violation of this
9 chapter and subject to its remedies.

10 **10.07.030 Notice.**

11 When the Director has reason to believe that a property
12 within the City may be a potential graffiti nuisance property,
13 the Director shall:

14 A. Identify a responsible party and send that party an
15 informational letter describing the nature and location of the
16 graffiti and requesting that the graffiti be removed promptly.
17 The letter shall explain the problems caused by the continued
18 presence of graffiti and the need for its prompt removal,
19 describe the resources available to aid in graffiti removal, and
20 give notice that failure to remove graffiti is a violation of
21 City law that may lead to legal action to remove the graffiti at
22 the expense of the responsible party and may subject the
23 responsible party to civil penalties.

1 B. If the graffiti is not promptly removed after the
2 information letter has been sent, the Director shall notify the
3 responsible party in writing, by certified mail, that the
4 property has been identified as a potential graffiti nuisance
5 property. The notice shall contain the following information:

6 1. The street address or description of the property
7 reasonably sufficient for identification of the property;

8 2. A concise description of the conditions leading
9 the Director to believe that the property may be a graffiti
10 nuisance property;

11 3. A description of what must be done to abate the
12 graffiti;

13 4. A statement that the graffiti must be abated
14 within ten (10) calendar days after receipt of the letter, and a
15 statement that if the graffiti is not abated within that time the
16 property will be a graffiti nuisance property subject to
17 abatement in accordance with section 10.07.070, and the
18 responsible party will be subject to monetary penalties and costs
19 in accordance with sections 10.07.050, 10.07.060 and 10.07.070.

20 C. The notice referred to in subsection B of this section
21 shall be mailed by certified mail to the responsible party at
22 that party's last known address. The notice shall also be posted
23 at the property. As an alternative to mailing the notice, the
24 Director may cause a copy of the notice to be personally served
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26

1 on the responsible party in the manner authorized by statute for
2 personal service.

3 D. If, after proper notification has been given and
4 the specified time period has elapsed, the graffiti has not been
5 abated, the Director shall serve a notice of civil violation and
6 hearing on the responsible party directing that party to appear
7 before the City's Hearing Examiner.

8 E. Once a responsible party has been notified pursuant to
9 subsections A and B of this section that a specified property is
10 a potential graffiti nuisance, the Director may thereafter issue
11 a notice of civil violation and hearing for that property
12 pursuant to section 10.07.040 without further notice.

13 **10.07.040 Notice of civil violation and hearing.**

14 A. The notice of civil violation and hearing shall include
15 the following:

16 1. The name and address of the responsible party;

17 2. The street address or description sufficient for
18 identification of the property which constitutes the graffiti
19 nuisance property;

20 3. A statement that the property is a graffiti
21 nuisance property and a description of the graffiti constituting
22 the graffiti nuisance;

23 4. A statement describing what must be done to abate
24 the graffiti;

1 5. A statement that the costs and expenses of
2 abatement incurred by the City pursuant to sections 10.07.070 and
3 monetary penalties as specified in section 10.07.050 and
4 10.07.060 may be assessed against the responsible party;

5 6. The date, time and location of a hearing before
6 the Hearing Examiner at which the responsible party shall have
7 the opportunity to contest the existence of the graffiti, to
8 contest his or her responsibility for the graffiti nuisance
9 property, and to raise any other defenses to liability or
10 considerations by way of mitigation; and

11 7. A statement that the hearing will be canceled
12 and no monetary penalty will be assessed if the Director
13 approves the completed abatement at least forty-eight (48) hours
14 prior to the scheduled commencement of the hearing.

15 B. Notwithstanding Seattle Municipal Code subsection
16 3.02.090A, the date set for the hearing before the Hearing
17 Examiner shall be no sooner than ten (10) and no later than
18 thirty (30) calendar days from the date the notice of civil
19 violation and hearing is issued.

20 C. The Director shall serve the notice of civil violation
21 and hearing in the manner described in subsection 10.07.030C of
22 this chapter. If an address for mailed service cannot, after due
23 diligence, be ascertained and the person to whom the notice is
24 issued cannot, after due diligence, be personally served within
25 King County, notice shall be served by posting a copy of the
26

1 notice conspicuously at the graffiti nuisance property. Proof of
2 service shall be made by a written declaration under penalty of
3 perjury executed by the person effecting the service, declaring
4 the time and date of service, the manner by which the service was
5 made, and, if by posting, the facts showing that due diligence
6 was used in attempting to serve the person personally or by mail.

7 **10.07.050 Hearing before the Hearing Examiner.**

8 A. The Hearing Examiner shall conduct a hearing on the
9 civil violation pursuant to the rules of procedure of the Hearing
10 Examiner for the conduct of hearings. The Director and the
11 person to whom the notice of civil violation and hearing was
12 issued are parties to the hearing and each may call witnesses.

13 B. The Director shall have the burden to prove by a
14 preponderance of the evidence that the property contains
15 graffiti, that the person issued the notice is a responsible
16 party, that the required abatement is reasonable, and that the
17 required abatement has not been completed prior to the date
18 established in the notice issued pursuant to subsection
19 10.07.030B.

20 C. If the Hearing Examiner finds that the property
21 contains graffiti, that the person issued the notice is a
22 responsible party, but that the abatement required by the
23 Director is not reasonable, then the Examiner shall modify the
24 abatement so that it is reasonable.

1 D. The Hearing Examiner shall issue to the responsible
2 party a decision and order containing the following information:

3 1. The decision and order regarding the alleged
4 graffiti nuisance property, including findings of fact and
5 conclusions in support of the decision and order;

6 2. Any required abatement action and the date by
7 which the abatement must be completed;

8 3. Any monetary penalties assessed based on
9 subsection F of this section which shall be due ten (10) calendar
10 days after the date of the decision and order;

11 4. A description of the additional civil penalties
12 which will automatically accrue pursuant to subsection I of this
13 section if the responsible party fails to abate the graffiti
14 nuisance property by the date established in the decision and
15 order;

16 5. The date after which the City may abate the
17 graffiti nuisance property pursuant to section 10.07.070 if the
18 required abatement is not completed; and

19 6. Notice that judicial review of the decision and
20 order may be sought pursuant to subsection K of this section.

21 E. Monetary penalties assessed by the Hearing Examiner
22 shall accrue in the amount up to one hundred dollars (\$100) per
23 day beginning on the correction date set by the Director or on a
24 subsequent date set by the Hearing Examiner, provided that the
25 maximum monetary penalty shall be five thousand dollars (\$5,000).
26

1 In the alternative, the Hearing Examiner may choose to assess no
2 monetary penalties.

3 F. In determining the monetary penalty assessment, the
4 Hearing Examiner shall consider the following factors:

5 1. Whether the responsible party cooperated with
6 efforts to abate the graffiti nuisance property;

7 2. Whether the responsible party failed to appear at
8 the hearing;

9 3. Whether the responsible party made substantial
10 progress in abating the graffiti nuisance property; and

11 4. Any other relevant factors.

12 G. The Hearing Examiner shall mail a copy of the decision
13 and order to the person to whom the notice of civil violation and
14 hearing was issued and to the Director within ten (10) working
15 days of the close of the hearing record. If an address for
16 mailing cannot after due diligence be ascertained, a copy of
17 the decision and order shall be posted conspicuously at the
18 property.

19 H. If the person to whom the notice of civil violation and
20 hearing was issued fails to appear at the scheduled hearing, the
21 Hearing Examiner shall, upon submittal of sufficient evidence by
22 the Director, enter a decision and order finding that the
23 property is a graffiti nuisance property, the person to whom the
24 notice was issued is a responsible party, the required abatement
25 is reasonable, and the required abatement action had not been
26

1 completed prior to the date established in the notice; and
2 assessing the appropriate monetary penalty and costs.

3 I. If the responsible party fails to abate the nuisance as
4 ordered by the Hearing Examiner, monetary penalties in addition
5 to any monetary penalties already assessed by the Hearing
6 Examiner shall automatically accrue in the amount of one hundred
7 dollars (\$100) per day until the abatement is complete and shall
8 be due immediately upon accrual.

9 J. The City will carry out the Hearing Examiner's decision
10 and order and recover all monetary penalties and costs.

11 K. Any review of the decision and order of the Hearing
12 Examiner must be by land use petition filed within twenty one
13 (21) days of issuance of the decision and order as provided in
14 Chapter 347 of the Laws of 1995.

15 **10.07.060 Monetary penalty.**

16 A. Payment of a monetary penalty pursuant to this chapter
17 does not relieve the responsible party of the duty to abate the
18 graffiti nuisance.

19 B. The monetary penalty constitutes a personal obligation
20 of the responsible party to whom the notice of civil violation
21 and hearing is issued.

22 C. Any monetary penalty imposed pursuant to this chapter
23 shall accrue interest from the date payment is due at the maximum
24 rate authorized by law for interest on civil judgments, and there
25
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1 shall be added to such penalty the reasonable attorneys' fees and
2 costs incurred in collecting it.

3 **10.07.070 Abatement by the City.**

4 A. The Director may abate a graffiti nuisance property
5 when a decision and order has been issued by the Hearing Examiner
6 pursuant to section 10.07.050 of this chapter and any required
7 abatement is not complete by the date specified in the decision
8 and order.

9 B. The Director may call upon other City departments and
10 other agencies and resources for assistance in abating a graffiti
11 nuisance property.

12 C. Using any lawful means, the Director may enter upon the
13 graffiti nuisance property and abate the graffiti. The Director
14 may seek such judicial process as is deemed necessary to carry
15 out the abatement.

16 D. The costs of correcting the violation shall be billed
17 to the responsible party and shall be due and payable to the City
18 within ten (10) calendar days. Costs include both the value of
19 the use of City staff and equipment and payments made to third
20 parties, including but not limited to:

- 21 1. Personnel costs, both direct and indirect,
22 including attorneys' fees and costs and administrative overhead;
23
- 24 2. Costs incurred in documenting the violation;
- 25 3. Hauling, storage and disposal expenses;
- 26

4. Actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing or contracting and inspecting the work; and
5. The costs of any required printing and mailing.

10.07.080 Enforcement.

Notwithstanding the provisions of Seattle Municipal Code section 3.33.020, actions necessary for effective enforcement of this chapter may be brought in Superior Court.

10.07.090 Severability.

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after

1 presentation, it shall take effect as provided by Seattle
2 Municipal Code Section 1.04.020.

3
4 Passed by the City Council the 8 day of April,
5 1996, and signed by me in open session in authentication of its
6 passage this 8 day of April, 1996.

7
8 Paul Drago
President of the City Council

9
10 Approved by me this 11 day of April, 1996.

11 Norman B. Rice
12 Mayor

13 Filed by me this 12 day of April, 1996.

14 Margaret Carter
15 ~~City~~ Clerk

16 (Seal)
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23
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25
26

SEATTLE CITY ATTORNEY

MARK H. SIDRAN

September 27, 1995

RECEIVED

SEP 28 1995

Jim Street

Honorable Jim Street
President
Seattle City Council

Re: Graffiti Public Nuisance Ordinance

Dear Council President Street:

I am forwarding to you for the Council's consideration a proposed ordinance that would encourage and ultimately require property owners to remove graffiti within a reasonable time. The defacement of public and private property is costing citizens, businesses, and the government millions of dollars annually to repair. Beyond the damage and the aesthetic blight, graffiti is a powerful visual symbol of disorder which erodes public safety. Its message is one of disrespect for the rights of others and disdain for the community. The longer it remains visible, the more it suggests that a neighborhood is powerless to respond to such anti-social behavior, and this ominous inference is not lost upon either the law-abiding or the law-breaking. Unless graffiti is promptly removed it is likely to spread. The cumulative impact — especially in commercial districts where it is most common — can contribute to a downward spiral of blight that lessens property values, business viability, and tax revenue. Conversely, prompt removal has been proven to be an effective prevention strategy that discourages graffiti.

The majority of property owners and managers understand the importance of removing graffiti and they act responsibly. Unfortunately some do not, even after efforts by neighbors and the City to educate and encourage. For example, in a recent pilot project aimed at longstanding graffiti, 25% of property owners failed to respond despite receiving two letters from the City explaining why graffiti matters and providing a guide to graffiti removal resources. For these owners the proposed ordinance adds a necessary inducement to do the right thing, to become part of the solution rather than part of the problem. It is patterned after similar laws adopted across the country, including San Diego, San Francisco, Phoenix, Portland and Los Angeles County.

I believe this new tool will be particularly helpful as part of a comprehensive anti-graffiti strategy that combines:

- Increased efforts to catch, convict, and hold accountable those responsible for such vandalism;

CIVIL DIVISION

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(206) 684-8200 TDD (206) 233-7206 FAX (206) 684-8284

Continued: Council President Street
September 27, 1995
Page 2

- ° Public education about the importance of prompt graffiti removal as an effective prevention strategy;
- ° Expanded efforts to clean graffiti from public property, including greater cooperation with other governmental agencies and utilities;
- ° Support for community volunteers who help paint out graffiti in their neighborhoods; and
- ° Appropriate alternatives for those vandals whose motivation is "artistic" to engage in constructive, lawful activity.

Real progress is being made on several fronts. Under the leadership of the Solid Waste Utility, prompt graffiti removal from public property has increased, a public education campaign is underway, community paint-out efforts are actively promoted and supported, and "Street Smart Art" provides expanded opportunities to legally display artistic talents with the permission of property owners. In many neighborhoods residents and businesses have joined together to help remove graffiti on a regular basis. The Police and Law Departments have formed an anti-graffiti task force focused on new strategies to bring more vandals to justice. The Downtown Seattle Association has established a reward program for information leading to the arrest and conviction of graffiti vandals. King County Prosecutor Norm Maleng has agreed to review cases involving substantial damage and to file felony charges where appropriate. With support from the City, the State Department of Corrections has established the "Tag Team", putting offenders and prisoners to work on graffiti removal, so that those who damage the community help undo the damage.

Together with these efforts, a graffiti nuisance ordinance can help us stem the tide that has already overtaken many other large cities and prevent this vandalism from reaching unmanageable dimensions in Seattle. I look forward to the Council's consideration of the attached proposal.

Sincerely,



Mark H. Sidran
Seattle City Attorney

cc: Seattle City Councilmembers
Mayor Norm Rice



Seattle City Council

4/2/96

PRO

PUBLIC HEARING SIGN-UP SHEET

Graffiti Ordinance

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
Cheri Sarro	ROON MARCHE	1601-4th AVE. SEA 98181	→	506-6011 FAX 506-6007
JOHN GESSNER	FRIENDS OF HYUNDA EDWARDS BEACH	711-2ND AVE. N. # 302	98109	292-3497
Russell Brown	Tillicum Place Neighbors	2602-4th Ave #305 SEA 98121	→	443-9839
Brogan Thomsen	Thumbs Up/Volunteer	1301 31st S. 98144	98119	324 2292
Ellen Monrad	Queen Anne Community Council	1818 1st Ave W 98119	98119	283-7555
Rita Smith	Waste Management	12010 David Pl NE	98125	767-3000 FAX 6928
Linda Ciotti	DRPC/Environmental Task Force	2226 Third Ave Seattle 98102	98121	441-8843/441-4710
Suzie Bucke	Fremont Chamber	3301 Fremont N	98103	632-1500
Tom Graft	Denny Regrade Bus Assoc	2110 Western Ave	98121	441-7900/44-5297
Bill Dietrich	Downtown Seattle Association	500 Union St #325	98101	623-0340
John Vesino	HARBOR PROPERTIES	500 Union St #200	98101	623-0910
ROD KAUFFMAN	BUILDING OWNERS & NGRS ASSOCIATION	1904 3rd Ave #825	98101	622-8924
Dale Rowe	MILNER PARK / LESCH	120 29th Avenue, Seattle	98122	325-3520



PRO

PUBLIC HEARING SIGN-UP SHEET

Graffiti Ordinance)

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[illegible]

ORDINANCE _____

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21 shall be mailed by certified mail to the responsible party at
22 that party's last known address. The notice shall also be posted
23 at the property. As an alternative to mailing the notice, the
24 Director may cause a copy of the notice to be personally served
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1 on the responsible party in the manner authorized by statute for
2 personal service.

3 D. If, after proper notification has been given and
4 the specified time period has elapsed, the graffiti has not been
5 abated, the Director shall serve a notice of civil violation and
6 hearing on the responsible party directing that party to appear
7 before the City's Hearing Examiner.

8 **10.07.040 Notice of civil violation and hearing.**

9 A. The notice of civil violation and hearing shall include
10 the following:

11 1. The name and address of the responsible party;

12 2. The street address or description sufficient for
13 identification of the property which constitutes the graffiti
14 nuisance property;

15 3. A statement that the property is a graffiti
16 nuisance property and a description of the graffiti constituting
17 the graffiti nuisance;

18 4. A statement describing what must be done to abate
19 the graffiti;

20 5. A statement that the costs and expenses of
21 abatement incurred by the City pursuant to sections 10.07.070 and
22 monetary penalties as specified in section 10.07.050 and
23 10.07.060 may be assessed against the responsible party;
24
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1 6. The date, time and location of a hearing before
2 the Hearing Examiner at which the responsible party shall have
3 the opportunity to contest the existence of the graffiti, to
4 contest his or her responsibility for the graffiti nuisance
5 property, and to raise any other defenses to liability or
6 considerations by way of mitigation; and

7 7. A statement that the hearing will be canceled
8 and no monetary penalty will be assessed if the Director
9 approves the completed abatement at least forty-eight (48) hours
10 prior to the scheduled commencement of the hearing.

11 B. Notwithstanding Seattle Municipal Code subsection
12 3.02.090A, the date set for the hearing before the Hearing
13 Examiner shall be no sooner than ten (10) and no later than
14 thirty (30) calendar days from the date the notice of civil
15 violation and hearing is issued.

16 C. The Director shall serve the notice of civil violation
17 and hearing in the manner described in subsection 10.07.030C of
18 this chapter. If an address for mailed service cannot, after due
19 diligence, be ascertained and the person to whom the notice is
20 issued cannot, after due diligence, be personally served within
21 King County, notice shall be served by posting a copy of the
22 notice conspicuously at the graffiti nuisance property. Proof of
23 service shall be made by a written declaration under penalty of
24 perjury executed by the person effecting the service, declaring
25 the time and date of service, the manner by which the service was
26

1 made, and, if by posting, the facts showing that due diligence
2 was used in attempting to serve the person personally or by mail.

3 **10.07.050 Hearing before the Hearing Examiner.**

4 A. The Hearing Examiner shall conduct a hearing on the
5 civil violation pursuant to the rules of procedure of the Hearing
6 Examiner for the conduct of hearings. The Director and the
7 person to whom the notice of civil violation and hearing was
8 issued are parties to the hearing and each may call witnesses.

9 B. The Director shall have the burden to prove by a
10 preponderance of the evidence that the property contains
11 graffiti, that the person issued the notice is a responsible
12 party, that the required abatement is reasonable, and that the
13 required abatement has not been completed prior to the date
14 established in the notice issued pursuant to subsection
15 10.07.030B.

16 C. If the Examiner finds that the property contains
17 graffiti, that the person issued the notice is a responsible
18 party, but that the abatement required by the Director is not
19 reasonable, then the Examiner shall modify the abatement so that
20 it is reasonable.

21 D. The Hearing Examiner shall issue to the responsible
22 party a decision and order containing the following information:

23 1. The decision and order regarding the alleged
24 graffiti nuisance property, including findings of fact and
25 conclusions in support of the decision and order;
26

1 2. Any required abatement action and the date by
2 which the abatement must be completed;

3 3. Any monetary penalties assessed based on
4 subsection F of this section which shall be due ten (10) calendar
5 days after the date of the decision and order;

6 4. Any costs assessed based on evidence submitted by
7 the Director at the hearing as well as the costs of conducting
8 the hearing;

9 5. A description of the additional civil penalties
10 which will automatically accrue pursuant to subsection I of this
11 section if the responsible party fails to abate the graffiti
12 nuisance property by the date established in the decision and
13 order;

14 6. The date after which the City may abate the
15 graffiti nuisance property pursuant to section 10.07.070 if the
16 required abatement is not completed; and

17 7. Notice that judicial review of the decision and
18 order may be sought pursuant to subsection K of this section.

19 E. Monetary penalties assessed by the Hearing Examiner
20 shall accrue in the amount up to one hundred dollars (\$100) per
21 day beginning on the correction date set by the Director or on a
22 subsequent date set by the Hearing Examiner, provided that the
23 maximum monetary penalty shall be five thousand dollars (\$5,000).
24 In the alternative, the Hearing Examiner may choose to assess no
25 monetary penalties.
26

1 F. In determining the monetary penalty assessment, the
2 Hearing Examiner shall consider the following factors:

3 1. Whether the responsible party cooperated with
4 efforts to abate the graffiti nuisance property;

5 2. Whether the responsible party failed to appear at
6 the hearing;

7 3. Whether the responsible party made substantial
8 progress in abating the graffiti nuisance property; and

9 4. Any other relevant factors.

10 G. The Hearing Examiner shall mail a copy of the decision
11 and order to the person to whom the notice of civil violation and
12 hearing was issued and to the Director within ten (10) working
13 days of the close of the hearing record. If an address for
14 mailing cannot after due diligence be ascertained, a copy of
15 the decision and order shall be posted conspicuously at the
16 property.

17 H. If the person to whom the notice of civil violation and
18 hearing was issued fails to appear at the scheduled hearing, the
19 Hearing Examiner shall, upon submittal of sufficient evidence by
20 the Director, enter a decision and order finding that the
21 property is a graffiti nuisance property, the person to whom the
22 notice was issued is a responsible party, the required abatement
23 is reasonable, and the required abatement action had not been
24 completed prior to the date established in the notice; and
25 assessing the appropriate monetary penalty and costs.

1 I. If the responsible party fails to abate the nuisance as
2 ordered by the Hearing Examiner, monetary penalties in addition
3 to any monetary penalties already assessed by the Hearing
4 Examiner shall automatically accrue in the amount of one hundred
5 dollars (\$100) per day until the abatement is complete and shall
6 be due immediately upon accrual.

7 J. The City will carry out the Hearing Examiner's decision
8 and order and recover all monetary penalties and costs.

9 K. Any review of the decision and order of the Hearing
10 Examiner must be by land use petition filed within twenty one
11 (21) days of issuance of the decision and order as provided in
12 Chapter 347 of the Laws of 1995.

13 **10.07.060 Monetary penalty.**

14 A. Payment of a monetary penalty pursuant to this chapter
15 does not relieve the responsible party of the duty to abate the
16 graffiti nuisance.

17 B. The monetary penalty constitutes a personal obligation
18 of the responsible party to whom the notice of civil violation
19 and hearing is issued.

20 C. Any monetary penalty imposed pursuant to this chapter
21 shall accrue interest from the date payment is due at the maximum
22 rate authorized by law for interest on civil judgments, and there
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1 shall be added to such penalty the reasonable attorneys' fees and
2 costs incurred in collecting it.

3 **10.07.070 Abatement by the City.**

4 A. The Director may abate a graffiti nuisance property
5 when a decision and order has been issued by the Hearing Examiner
6 pursuant to section 10.07.050 of this chapter and any required
7 abatement is not complete by the date specified in the decision
8 and order.

9 B. The Director may call upon other City departments and
10 other agencies and resources for assistance in abating a graffiti
11 nuisance property.

12 C. Using any lawful means, the Director may enter upon the
13 graffiti nuisance property and abate the graffiti. The Director
14 may seek such judicial process as is deemed necessary to carry
15 out the abatement.

16 D. The costs of correcting the violation shall be billed
17 to the responsible party and shall be due and payable to the City
18 within ten (10) calendar days. Costs include both the value of
19 the use of City staff and equipment and payments made to third
20 parties, including but not limited to:

- 21 1. Personnel costs, both direct and indirect,
22 including attorneys' fees and costs and administrative overhead;
- 23 2. Costs incurred in documenting the violation;
- 24 3. Hauling, storage and disposal expenses;
- 25 4. Actual expenses and costs of the City in preparing
- 26

1 notices, specifications and contracts, and in
2 accomplishing or contracting and inspecting the
3 work; and

4 5. The costs of any required printing and mailing.

5
6 **10.07.080 Enforcement.**

7 Notwithstanding the provisions of Seattle Municipal Code
8 section 3.33.020, actions necessary for effective enforcement of
9 this chapter may be brought in Superior Court.

10 **10.07.090 Severability.**

11 The provisions of this ordinance are declared to be
12 separate and severable. If any clause, sentence, paragraph,
13 subdivision, section, subsection or portion of this ordinance, or
14 the application thereof to any person or circumstance, is held to
15 be invalid, it shall not affect the validity of the remainder of
16 this ordinance, or the validity of its application to other
17 persons or circumstances.

18
19 **Section 2.** This ordinance shall take effect and be in force
20 thirty (30) days from and after its approval by the Mayor, but if
21 not approved and returned by the Mayor within ten (10) days after
22
23
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1 presentation, it shall take effect as provided by Seattle
2 Municipal Code Section 1.04.020.

3
4 Passed by the City Council the ____ day of _____,
5 1995, and signed by me in open session in authentication of its
6 passage this ____ day of _____, 1995.

7
8 _____
President of the City Council

9
10 Approved by me this ____ day of _____, 1995.

11 _____
12 Mayor

13 Filed by me this ____ day of _____, 1995.

14
15 _____
City Clerk

16 (Seal)
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26

SEATTLE CITY ATTORNEY

MARK H. SIDRAN

September 27, 1995

RECEIVED

SEP 28 1995

Honorable Jim Street
President
Seattle City Council

Jim Street

Re: Graffiti Public Nuisance Ordinance

Dear Council President Street:

I am forwarding to you for the Council's consideration a proposed ordinance that would encourage and ultimately require property owners to remove graffiti within a reasonable time. The defacement of public and private property is costing citizens, businesses, and the government millions of dollars annually to repair. Beyond the damage and the aesthetic blight, graffiti is a powerful visual symbol of disorder which erodes public safety. Its message is one of disrespect for the rights of others and disdain for the community. The longer it remains visible, the more it suggests that a neighborhood is powerless to respond to such anti-social behavior, and this ominous inference is not lost upon either the law-abiding or the law-breaking. Unless graffiti is promptly removed it is likely to spread. The cumulative impact — especially in commercial districts where it is most common — can contribute to a downward spiral of blight that lessens property values, business viability, and tax revenue. Conversely, prompt removal has been proven to be an effective prevention strategy that discourages graffiti.

The majority of property owners and managers understand the importance of removing graffiti and they act responsibly. Unfortunately some do not, even after efforts by neighbors and the City to educate and encourage. For example, in a recent pilot project aimed at longstanding graffiti, 25% of property owners failed to respond despite receiving two letters from the City explaining why graffiti matters and providing a guide to graffiti removal resources. For these owners the proposed ordinance adds a necessary inducement to do the right thing, to become part of the solution rather than part of the problem. It is patterned after similar laws adopted across the country, including San Diego, San Francisco, Phoenix, Portland and Los Angeles County.

I believe this new tool will be particularly helpful as part of a comprehensive anti-graffiti strategy that combines:

- Increased efforts to catch, convict, and hold accountable those responsible for such vandalism;

CIVIL DIVISION

An equal employment opportunity - affirmative action employer
600 FOURTH AVENUE, 10TH FLOOR, SEATTLE, WASHINGTON 98104-1877
(206) 684-8200 TDD (206) 233-7206 FAX (206) 684-8284


Continued: Council President Street
September 27, 1995
Page 2

- ° Public education about the importance of prompt graffiti removal as an effective prevention strategy;
- ° Expanded efforts to clean graffiti from public property, including greater cooperation with other governmental agencies and utilities;
- ° Support for community volunteers who help paint out graffiti in their neighborhoods; and
- ° Appropriate alternatives for those vandals whose motivation is "artistic" to engage in constructive, lawful activity.

Real progress is being made on several fronts. Under the leadership of the Solid Waste Utility, prompt graffiti removal from public property has increased, a public education campaign is underway, community paint-out efforts are actively promoted and supported, and "Street Smart Art" provides expanded opportunities to legally display artistic talents with the permission of property owners. In many neighborhoods residents and businesses have joined together to help remove graffiti on a regular basis. The Police and Law Departments have formed an anti-graffiti task force focused on new strategies to bring more vandals to justice. The Downtown Seattle Association has established a reward program for information leading to the arrest and conviction of graffiti vandals. King County Prosecutor Norm Maleng has agreed to review cases involving substantial damage and to file felony charges where appropriate. With support from the City, the State Department of Corrections has established the "Tag Team", putting offenders and prisoners to work on graffiti removal, so that those who damage the community help undo the damage.

Together with these efforts, a graffiti nuisance ordinance can help us stem the tide that has already overtaken many other large cities and prevent this vandalism from reaching unmanageable dimensions in Seattle. I look forward to the Council's consideration of the attached proposal.

Sincerely,



Mark H. Sidran
Seattle City Attorney

cc: Seattle City Councilmembers
Mayor Norm Rice

ORDINANCE

AN ORDINANCE requiring the removal of graffiti in order to protect the public health, safety and welfare, declaring that property may become a nuisance owing to the failure of responsible parties to remove graffiti after having been requested to do so by the City, establishing a process for voluntary or involuntary clean-up of graffiti and the recovery of public clean-up expenses, creating civil remedies, and adding a new chapter to Title 10 of the Seattle Municipal Code.

WHEREAS, graffiti is criminal vandalism defacing public and private property without permission of the owner, costing citizens, businesses and the City millions of dollars annually to repair; and

WHEREAS, graffiti can be a powerful visual symbol of disorder which erodes public safety, reduces the attractive physical qualities of neighborhoods, and can contribute to a downward spiral of blight and decay, lessening property values, business viability and ultimately tax revenues; and

WHEREAS, reducing graffiti requires a comprehensive strategy that includes increased efforts to apprehend and hold accountable those responsible for such vandalism, the prompt removal of graffiti as soon as reasonably possible, and the encouragement of artistic expression only on appropriate spaces obtained with the permission of public and private property owners; and

WHEREAS, there is substantial evidence that the prompt removal of graffiti is an effective prevention strategy which discourages its return while the failure to promptly remove graffiti increases the likelihood that more graffiti will occur on the same site and on other nearby property; and

WHEREAS, the City and many property owners commit resources and energy to diligently removing graffiti and the City supports the efforts of hundreds of community, business and school volunteers who work each week to remove graffiti in their neighborhoods and business districts; and

1 WHEREAS, these combined public and private efforts to reduce
2 graffiti are undermined by those few property owners who
3 fail to cooperate in cleaning graffiti from their property
4 despite requests from their neighbors and the City; and

5 WHEREAS, the failure to maintain one's property by removing
6 graffiti to a reasonable degree and within a reasonable
7 period of time constitutes a public nuisance for the reasons
8 set forth above; and

9 WHEREAS, many other jurisdictions across the United States,
10 including Portland, Phoenix, San Diego, San Francisco and
11 Los Angeles County, have adopted graffiti nuisance
12 ordinances and have found them to be a useful tool in
13 reducing graffiti, Now Therefore;

14 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

15 Section 1: A new chapter, Chapter 10.07, to be entitled
16 "Graffiti Nuisance Code" is added to the Seattle Municipal Code
17 as follows:

18 10.07.010 Definitions.

19 A. "Abate" means to remove the graffiti by such means, in
20 such a manner and to such an extent as the Director or the
21 Hearing Examiner reasonably determines is necessary to remove the
22 graffiti from public view.

23 B. "Director" means the Director of the Seattle
24 Engineering Department's Solid Waste Utility or his or her
25 designee.

26 C. "Graffiti" means unauthorized markings, visible from
premises open to the public, that have been placed upon any
property through the use of paint, ink, chalk, dye or any other
substance capable of marking property.

1 D. "Graffiti nuisance property" means property upon which
2 graffiti has not been abated after the abatement date established
3 pursuant to subsection 10.07.030B.

4 E. "Hearing Examiner" means The City of Seattle Hearing
5 Examiner and the office thereof established pursuant to Seattle
6 Municipal Code, Chapter 3.02.

7 F. "Owner" means any entity or entities having a legal or
8 equitable interest in real or personal property including but not
9 limited to the interest of a tenant or lessee.

10 G. "Premises open to the public" means all public spaces,
11 including but not limited to streets, alleys, sidewalks, parks,
12 and public open space, as well as private property on to which
13 the public is regularly invited or permitted to enter for any
14 purpose.

15 H. "Property" means any real or personal property and that
16 which is affixed, incidental or appurtenant to real property,
17 including but not limited to any structure, fence, wall, sign, or
18 any separate part thereof, whether permanent or not.

19 I. "Responsible party" means an owner, or an entity or
20 person acting as an agent for an owner by agreement, who has
21 authority over the property or is responsible for the property's
22 maintenance or management. Irrespective of any arrangement to
23 the contrary with any other party, each owner shall always be a
24 responsible party for the purposes of this chapter. There may be
25 more than one responsible party for a particular property.
26

1 J. "Unauthorized" means without the consent of a
2 responsible party.

3 10.07.020 Violation of chapter.

4 A. Any property located in the City of Seattle that
5 becomes a graffiti nuisance property is in violation of this
6 chapter and is subject to its remedies.

7 B. Every responsible party who permits a property to
8 become a graffiti nuisance property is in violation of this
9 chapter and subject to its remedies.

10 10.07.030 Notice.

11 When the Director has reason to believe that a property
12 within the City may be a potential graffiti nuisance property,
13 the Director shall:

14 A. Identify a responsible party and send that party an
15 informational letter describing the nature and location of the
16 graffiti and requesting that the graffiti be removed promptly.
17 The letter shall explain the problems caused by the continued
18 presence of graffiti and the need for its prompt removal,
19 describe the resources available to aid in graffiti removal, and
20 give notice that failure to remove graffiti is a violation of
21 City law that may lead to legal action to remove the graffiti at
22 the expense of the responsible party and may subject the
23 responsible party to civil penalties.

1 B. If the graffiti is not promptly removed after the
2 information letter has been sent, the Director shall notify the
3 responsible party in writing, by certified mail, that the
4 property has been identified as a potential graffiti nuisance
5 property. The notice shall contain the following information:

6 1. The street address or description of the property
7 reasonably sufficient for identification of the property;

8 2. A concise description of the conditions leading
9 the Director to believe that the property may be a graffiti
10 nuisance property;

11 3. A description of what must be done to abate the
12 graffiti;

13 4. A statement that the graffiti must be abated
14 within ten (10) calendar days after receipt of the letter, and a
15 statement that if the graffiti is not abated within that time the
16 property will be a graffiti nuisance property subject to
17 abatement in accordance with section 10.07.070, and the
18 responsible party will be subject to monetary penalties and costs
19 in accordance with sections 10.07.050, 10.07.060 and 10.07.070.

20 C. The notice referred to in subsection B of this section
21 shall be mailed by certified mail to the responsible party at
22 that party's last known address. The notice shall also be posted
23 at the property. As an alternative to mailing the notice, the
24 Director may cause a copy of the notice to be personally served
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26

1 on the responsible party in the manner authorized by statute for
2 personal service.

3 D. If, after proper notification has been given and
4 the specified time period has elapsed, the graffiti has not been
5 abated, the Director shall serve a notice of civil violation and
6 hearing on the responsible party directing that party to appear
7 before the City's Hearing Examiner.

8 **10.07.040 Notice of civil violation and hearing.**

9 A. The notice of civil violation and hearing shall include
10 the following:

- 11 1. The name and address of the responsible party;
 - 12 2. The street address or description sufficient for
13 identification of the property which constitutes the graffiti
14 nuisance property;
 - 15 3. A statement that the property is a graffiti
16 nuisance property and a description of the graffiti constituting
17 the graffiti nuisance;
 - 18 4. A statement describing what must be done to abate
19 the graffiti;
 - 20 5. A statement that the costs and expenses of
21 abatement incurred by the City pursuant to sections 10.07.070 and
22 monetary penalties as specified in section 10.07.050 and
23 10.07.060 may be assessed against the responsible party;
- 24
25
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1 6. The date, time and location of a hearing before
2 the Hearing Examiner at which the responsible party shall have
3 the opportunity to contest the existence of the graffiti, to
4 contest his or her responsibility for the graffiti nuisance
5 property, and to raise any other defenses to liability or
6 considerations by way of mitigation; and

7 7. A statement that the hearing will be canceled
8 and no monetary penalty will be assessed if the Director
9 approves the completed abatement at least forty-eight (48) hours
10 prior to the scheduled commencement of the hearing.

11 B. Notwithstanding Seattle Municipal Code subsection
12 3.02.090A, the date set for the hearing before the Hearing
13 Examiner shall be no sooner than ten (10) and no later than
14 thirty (30) calendar days from the date the notice of civil
15 violation and hearing is issued.

16 C. The Director shall serve the notice of civil violation
17 and hearing in the manner described in subsection 10.07.030C of
18 this chapter. If an address for mailed service cannot, after due
19 diligence, be ascertained and the person to whom the notice is
20 issued cannot, after due diligence, be personally served within
21 King County, notice shall be served by posting a copy of the
22 notice conspicuously at the graffiti nuisance property. Proof of
23 service shall be made by a written declaration under penalty of
24 perjury executed by the person effecting the service, declaring
25 the time and date of service, the manner by which the service was
26

1 made, and, if by posting, the facts showing that due diligence
2 was used in attempting to serve the person personally or by mail.

3 **10.07.050 Hearing before the Hearing Examiner.**

4 A. The Hearing Examiner shall conduct a hearing on the
5 civil violation pursuant to the rules of procedure of the Hearing
6 Examiner for the conduct of hearings. The Director and the
7 person to whom the notice of civil violation and hearing was
8 issued are parties to the hearing and each may call witnesses.

9 B. The Director shall have the burden to prove by a
10 preponderance of the evidence that the property contains
11 graffiti, that the person issued the notice is a responsible
12 party, that the required abatement is reasonable, and that the
13 required abatement has not been completed prior to the date
14 established in the notice issued pursuant to subsection
15 10.07.030B.

16 C. If the Examiner finds that the property contains
17 graffiti, that the person issued the notice is a responsible
18 party, but that the abatement required by the Director is not
19 reasonable, then the Examiner shall modify the abatement so that
20 it is reasonable.

21 D. The Hearing Examiner shall issue to the responsible
22 party a decision and order containing the following information:

23 1. The decision and order regarding the alleged
24 ~~graffiti~~ nuisance property, including findings of fact and
25 conclusions in support of the decision and order;
26

1 2. Any required abatement action and the date by
2 which the abatement must be completed;

3 3. Any monetary penalties assessed based on
4 subsection F of this section which shall be due ten (10) calendar
5 days after the date of the decision and order;

6 4. Any costs assessed based on evidence submitted by
7 the Director at the hearing as well as the costs of conducting
8 the hearing;

9 5. A description of the additional civil penalties
10 which will automatically accrue pursuant to subsection I of this
11 section if the responsible party fails to abate the graffiti
12 nuisance property by the date established in the decision and
13 order;

14 6. The date after which the City may abate the
15 graffiti nuisance property pursuant to section 10.07.070 if the
16 required abatement is not completed; and

17 7. Notice that judicial review of the decision and
18 order may be sought pursuant to subsection K of this section.

19 E. Monetary penalties assessed by the Hearing Examiner
20 shall accrue in the amount up to one hundred dollars (\$100) per
21 day beginning on the correction date set by the Director or on a
22 subsequent date set by the Hearing Examiner, provided that the
23 maximum monetary penalty shall be five thousand dollars (\$5,000).
24 In the alternative, the Hearing Examiner may choose to assess no
25 monetary penalties.
26

1 F. In determining the monetary penalty assessment, the
2 Hearing Examiner shall consider the following factors:

3 1. Whether the responsible party cooperated with
4 efforts to abate the graffiti nuisance property;

5 2. Whether the responsible party failed to appear at
6 the hearing;

7 3. Whether the responsible party made substantial
8 progress in abating the graffiti nuisance property; and

9 4. Any other relevant factors.

10 G. The Hearing Examiner shall mail a copy of the decision
11 and order to the person to whom the notice of civil violation and
12 hearing was issued and to the Director within ten (10) working
13 days of the close of the hearing record. If an address for
14 mailing cannot after due diligence be ascertained, a copy of
15 the decision and order shall be posted conspicuously at the
16 property.

17 H. If the person to whom the notice of civil violation and
18 hearing was issued fails to appear at the scheduled hearing, the
19 Hearing Examiner shall, upon submittal of sufficient evidence by
20 the Director, enter a decision and order finding that the
21 property is a graffiti nuisance property, the person to whom the
22 notice was issued is a responsible party, the required abatement
23 is reasonable, and the required abatement action had not been
24 completed prior to the date established in the notice; and
25 assessing the appropriate monetary penalty and costs.

1 I. If the responsible party fails to abate the nuisance as
2 ordered by the Hearing Examiner, monetary penalties in addition
3 to any monetary penalties already assessed by the Hearing
4 Examiner shall automatically accrue in the amount of one hundred
5 dollars (\$100) per day until the abatement is complete and shall
6 be due immediately upon accrual.

7 J. The City will carry out the Hearing Examiner's decision
8 and order and recover all monetary penalties and costs.

9 K. Any review of the decision and order of the Hearing
10 Examiner must be by land use petition filed within twenty one
11 (21) days of issuance of the decision and order as provided in
12 Chapter 347 of the Laws of 1995.

13 **10.07.060 Monetary penalty.**

14 A. Payment of a monetary penalty pursuant to this chapter
15 does not relieve the responsible party of the duty to abate the
16 graffiti nuisance.

17 B. The monetary penalty constitutes a personal obligation
18 of the responsible party to whom the notice of civil violation
19 and hearing is issued.

20 C. Any monetary penalty imposed pursuant to this chapter
21 shall accrue interest from the date payment is due at the maximum
22 rate authorized by law for interest on civil judgments, and there
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1 shall be added to such penalty the reasonable attorneys' fees and
2 costs incurred in collecting it.

3 **10.07.070 Abatement by the City.**

4 A. The Director may abate a graffiti nuisance property
5 when a decision and order has been issued by the Hearing Examiner
6 pursuant to section 10.07.050 of this chapter and any required
7 abatement is not complete by the date specified in the decision
8 and order.

9 B. The Director may call upon other City departments and
10 other agencies and resources for assistance in abating a graffiti
11 nuisance property.

12 C. Using any lawful means, the Director may enter upon the
13 graffiti nuisance property and abate the graffiti. The Director
14 may seek such judicial process as is deemed necessary to carry
15 out the abatement.

16 D. The costs of correcting the violation shall be billed
17 to the responsible party and shall be due and payable to the City
18 within ten (10) calendar days. Costs include both the value of
19 the use of City staff and equipment and payments made to third
20 parties, including but not limited to:

- 21 1. Personnel costs, both direct and indirect,
22 including attorneys' fees and costs and administrative overhead;
- 23 2. Costs incurred in documenting the violation;
- 24 3. Hauling, storage and disposal expenses;
- 25 4. Actual expenses and costs of the City in preparing

1 notices, specifications and contracts, and in
2 accomplishing or contracting and inspecting the
3 work; and

4 5. The costs of any required printing and mailing.
5

6 **10.07.080 Enforcement.**

7 Notwithstanding the provisions of Seattle Municipal Code
8 section 3.33.020, actions necessary for effective enforcement of
9 this chapter may be brought in Superior Court.

10 **10.07.090 Severability.**

11 The provisions of this ordinance are declared to be
12 separate and severable. If any clause, sentence, paragraph,
13 subdivision, section, subsection or portion of this ordinance, or
14 the application thereof to any person or circumstance, is held to
15 be invalid, it shall not affect the validity of the remainder of
16 this ordinance, or the validity of its application to other
17 persons or circumstances.
18

19 **Section 2.** This ordinance shall take effect and be in force
20 thirty (30) days from and after its approval by the Mayor, but if
21 not approved and returned by the Mayor within ten (10) days after
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1 presentation, it shall take effect as provided by Seattle
2 Municipal Code Section 1.04.020.

3
4 Passed by the City Council the ____ day of _____,
5 1995, and signed by me in open session in authentication of its
6 passage this ____ day of _____, 1995.

7
8 _____
President of the City Council

9
10 Approved by me this ____ day of _____, 1995.

11 _____
12 Mayor

13 Filed by me this ____ day of _____, 1995.

14
15 _____
City Clerk

16 (Seal)
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SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

San Diego

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

67113
City of Seattle, City Clerk

—SS.

No. ORDINANCE ;I

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118082

was published on

04/25/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

04/26/96

Notary Public for the State of Washington,
residing in Seattle

Revenue Service 915 --
(MS-216), Seattle, WA
Attn: 16. D: 2 April
H. Phone: (2) 3-2524
4/2 7211)

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