

ORDINANCE #66934
Board Bill No. 314

An ordinance pertaining to graffiti; prohibiting any person from placing graffiti upon any public or private property within the City of St. Louis; making it unlawful for any person to maintain graffiti that has been placed upon, or allow graffiti to remain upon, any surface within that person's control, possession or ownership when the graffiti is visible from a public street, public alley, other public right-of-way and other public property; declaring that graffiti is a public nuisance; further establishing a procedure for removal of graffiti from private property under the direction of the Forestry Commissioner; containing definitions, a penalty clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Findings.

The Board of Aldermen of the City of St. Louis finds and declares as follows:

It is the purpose and intent of this ordinance to provide a procedure for the removal of graffiti from surfaces on private property when such graffiti is visible from a public street, public alley, other public right-of-way in order to reduce blight and deterioration within the City of St. Louis and to protect the public health and safety.

The Board of Aldermen finds and determines that graffiti is obnoxious and constitutes a public nuisance, and must be abated to avoid the detrimental impact of such graffiti on the City and its residents and prevent the further spread of graffiti and for aesthetic purposes.

SECTION TWO. Definitions.

As used in this ordinance:

“Forestry Commissioner:” means the Forestry Commissioner of the City of St. Louis or his designated employee.

Graffiti" means any unauthorized inscription, word, figure, picture, or design that is sprayed, marked, posted, pasted or otherwise affixed, drawn, or painted on any surface of public or private property. Graffiti shall not mean a sign lawfully erected and maintained as required by other ordinances.

SECTION THREE. Provisions to govern abatement proceedings.

Any ordinance to the contrary notwithstanding, this ordinance shall govern proceedings for the abatement of nuisance conditions as defined in this ordinance.

SECTION FOUR. Graffiti Prohibited

a. It is unlawful for any person to place graffiti upon any public or private property within the City of St. Louis.

b. It is unlawful for any person to maintain graffiti that has been placed upon, or allow graffiti to remain upon, any surface within that person's control, possession or ownership when the graffiti is visible from a public street, public alley, other public right-of-way and other public property.

c. Graffiti prohibited under this ordinance is hereby declared a public nuisance.

SECTION FIVE. Abatement procedure-private property.

Graffiti nuisances shall be proceeded against as follows:

A. Upon finding a graffiti nuisance on private property, the Forestry Commissioner shall give notice to the property owner as provided in subsection B of this section. If the condition has not been abated within the time provided in that subsection, the Forestry Commissioner is authorized to abate it.

B. Any notice provided for by this section shall specify the address of the property and the graffiti condition existing on the property. Such notice shall be served:

1. By causing such notice to be delivered to the owner or other person in control; or
2. By mailing such notice, first class postage prepaid, to the property owner or other person in control of the property, either at his place of business or residence address in the City or elsewhere. Such notice shall be deemed served seventy-two (72) hours after the mailing of such notice if it is directed to a business or residence address in the City of St. Louis. If the owner or person in control of such property is a nonresident of the City and has no business address in the City, such notice shall be deemed served at the end of such period after the mailing thereof as in the ordinary course of delivery of mail would be required for delivery of such notice.
3. If no mailing address can be determined for the owner or person in control of such property, a copy of such notice shall be posted upon the lot or land in question; such posted notice shall be deemed served at the end of seventy-two (72) hours after the posting thereof.
4. In giving any notice under this ordinance, any City official or employee shall proceed in a manner which is both consistent with this ordinance and which is reasonably calculated to cause actual notice to reach the property owner or person in control of the property.
5. Such notice shall state that the graffiti must be removed, and that such removal must begin within two (2) days after such notice is served and be completed within five (5) days after such notice is served.
6. If the graffiti nuisance has not been abated within the time provided in this ordinance, the Forestry Commissioner or such entity designated by the Forestry Commissioner is authorized to enter the property and abate the nuisance.

SECTION SIX. Abatement--Billing for costs.

The Forestry Commissioner shall bill the owners of any property on which the City abates a nuisance under this ordinance for the cost of such abatement. Any such bill for the abatement of a graffiti nuisance which is unpaid ninety (90) days after it is mailed may be referred to the City Counselor or to a collection agency for collection and shall bear interest at the highest rate allowed by law. Any such bill for the abatement of a graffiti nuisance which the Forestry Commissioner has been unable to collect shall be certified to the comptroller who shall prepare a special tax bill for the amount of the cost certified and shall immediately send the special tax bill to the Collector of Revenue for collection as provided in Section 5.08.010, et. seq. of the Revised Code of the City of St. Louis, and the certified cost shall be collected in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

SECTION SEVEN. Right of entry.

Any person employed, or contracted with, for the abatement of a nuisance as provided for in this ordinance and any agent or employee of such person shall have the right of entry for that purpose into and upon any premises. Any interference with such entry or entry by any police officer, any officer, agent or employee of the Forestry Division or by any representative of the Forestry Commissioner for the purpose of inspection or the discovery or abatement of any nuisance shall constitute a violation of this ordinance.

SECTION EIGHT. Authorization to designate agent.

The Forestry Commissioner is authorized to designate Operation Brightside or its successor as the agency responsible for the notifications to owners or other persons in control of private property and the removal of graffiti provided for in this ordinance.

SECTION NINE. Enforcement.

Enforcement of this chapter shall be the joint responsibility of the Forestry Commissioner and police department.

SECTION TEN. Penalty for violation.

Any person who shall violate provisions of this ordinance shall upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the Court. Each day a graffiti nuisance is unabated after notice has been served pursuant to this ordinance, is a separate violation.

SECTION ELEVEN. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: December 21, 2005