

**CITY OF SALISBURY  
ORDINANCE NO. 2105**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 15.24 OF THE SALISBURY MUNICIPAL CODE TO PROVIDE FOR THE REMOVAL OF GRAFFITI FROM PRIVATE AND PUBLIC PROPERTY.

WHEREAS, the Salisbury City 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, the Salisbury City Council finds that unless the City acts to remove graffiti from public and private property, the graffiti tends to remain; and

WHEREAS, graffiti has been shown to be a blighting influence on areas in which it is present or in which it is allowed to remain for any length of time; and

WHEREAS, the Salisbury City Council is authorized to enact this Ordinance pursuant to its police powers.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, in regular session, as follows:

1. That Section 15.24.530 be amended as follows:

Section 15.24.530.

“Graffiti. Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property.

2. That Chapter 15.24, Article XXX – Graffiti is hereby enacted as follows:

**ARTICLE XXX – GRAFFITI**

15.24.1660. Property Owner Responsibility. It shall be unlawful for the owner of property upon which graffiti has been applied to permit the graffiti to remain on the property for a period of seven (7) days after the housing official has provided notice that the graffiti shall be removed or effectively obscured.

15.24.1670. Notice. The housing official shall give written notice of a violation of this Article in accordance with Section 15.24.180 herein.

15.24.1680. City Removal. If an owner fails to remove or effectively obscure graffiti within seven (7) days after receipt of the notice described in this section, the housing official may cause the graffiti to be removed or effectively obscured, and the housing official is hereby authorized and empowered to pay for said work.

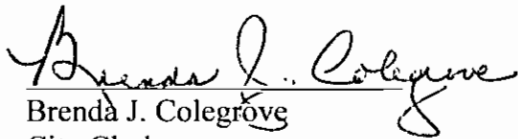
15.24.1690. Charges for Removal. When the City of Salisbury has paid to remove or effectively obscure graffiti on the property of another, the actual cost thereof and any related expenses, along with an administrative fee of one hundred dollars (\$100.00), shall be charged to the owner of such property, and if not paid by the owner, such charge will be carried on the records of the city of Salisbury and shall be collected in the same manner as real estate taxes are collected.

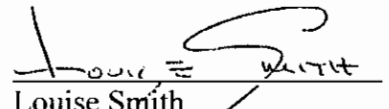
15.24.1700. Recorded as Lien. When the full amount due the city is not paid by such owner within thirty (30) days after notice of the amount due, the housing official shall cause to be recorded in the Internal Services Department for the city a sworn statement showing the cost and expenses incurred for the work, the administrative fee, the date the work was completed, and the location of the property upon which the work was done.

15.24.1710. Appeal Procedure. Within twenty one (21) days after service of a notice provided for herein, a property owner may file a notice of appeal with the housing official. The notice shall state in detail the reasons the action proposed by the housing official should not be taken. Upon receipt of such notice of appeal, the housing official shall refer the appeal to the housing board of adjustments and appeals, which shall proceed in accordance with Article X, Section 15.24.360, et seq.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 12<sup>th</sup> day of April, 2010, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 10<sup>th</sup> day of May, 2010.

  
Brenda J. Colegrove  
City Clerk

  
Louise Smith  
President of the City Council  
of the City of Salisbury

Approved by me this 13<sup>th</sup>  
day of May, 2010.

  
James Ireton, Jr.  
Mayor of the City of Salisbury

# Memo

**To:** John Pick  
**From:** M. Thomas Stevenson, Jr. *MTS.*  
**Date:** 3/29/2010  
**Re:** Ordinance (Graffiti) Revisions

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Attached you will find a modified version of the proposed graffiti ordinance. The City Council first considered this legislation during the Monday, March 1, 2010 work session. While there was a consensus of council to proceed, some improvements were proffered.

The first amendment shortens the time a property owner may allow graffiti to remain on their property without abatement from the originally proposed 14 (fourteen) days, down to 7 (seven) days. This approach is consistent with current rationale which supports the need for immediate graffiti removal.

The second modification changes the window of opportunity for an appeal up from 7 (seven) days to 21 (twenty one). The Legal Department has opined that while the appeal opportunity is beyond the compliance window, this consistency with other appeal processes is essential.

Unless you or the Mayor have further questions please forward this memo to the City Council.

**RECEIVED**  
**MAR 30 2010**