

ORDINANCE NO. 135

GANG GRAFFITI

WHEREAS, the City of Glyndon is a municipal corporation duly organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City of Glyndon and Clay County Sheriff have noted a defacement and destruction of private and public property through graffiti; and

WHEREAS, displays of graffiti affects the public safety by representing and encouraging other unlawful activities, diminishing the aesthetic values of neighborhoods and causing a decline of property values of surrounding properties; and

WHEREAS, it is in the best interest of the safety and welfare of the citizens of the City of Glyndon to prohibit the creation or maintenance of graffiti on public and private property.

NOW THEREFORE:

THE CITY COUNCIL OF THE CITY OF GLYNDON ORDAINS:

ARTICLE 1. This ordinance shall be known as the "City of Glyndon Gang Graffiti Ordinance".

SECTION 1. Graffiti

A. Prohibited Activity

- (1) It is unlawful for any person to place graffiti upon the surface of any structure or wall that is publicly owned without the permission of the owner of the property.
- (2) It is unlawful for any parent or guardian of a minor to knowingly permit a minor to violate any provisions of this ordinance.
- (3) It is unlawful for any owner of property to place or give permission to place on any property, real or personal which is in public view, any graffiti which incites violence by reference to gang or criminal activity, depicts or expresses obscenity by referring to sexual activity or contains defamatory material about a public or private person or which mark out gang jurisdiction for purposes of designating territorial rights of gangs for criminal activity.
- (4) It is unlawful for any owner of property to fail to remove graffiti that has been placed on the owner's property or fail to assign their obligation to remove the graffiti to the Glyndon Police Department within three (3) days from the date of the receipt of the written notice provided by the Glyndon Police Department.

B. Graffiti Defined.

For the purposes of this section, "graffiti" shall be defined as any sign, symbol, marking drawing, name, initial, word, diagram, sketch, picture, letter of any other inscription or drawing applied to any surface so as to be seen by the public including, but not limited to the identification of a gang or gang activity.

C. Affirmative Defense.

It shall be an affirmative defense to the alleged violation of the foregoing provision if such activity was undertaken with the prior written consent of the owner of the property, demonstrating that the owner was aware of the content and method of the graffiti to be placed on the structure or wall.

D. Removal.

The City of Glyndon hereby declares graffiti to be a nuisance, which adversely affects the health, safety and welfare of the residents of the community and reduces property value, and subject to abatement as provided herein:

(1) Owner Obligation To Remove

Upon written notification by the Glyndon Police Department, the owner of the property upon which graffiti has been placed shall remove the graffiti within three (3) days from the date of the receipt of the notice. The Glyndon Police Department may grant an owner an additional ten (10) days to remove the graffiti if the owner presents sufficient evidence of one of the following conditions:

- (a) Weather conditions make removal impossible or a substantial burden to the owner;
- (b) necessary chemical for removal are not readily available;
- (c) the physical condition of the owner makes immediate removal impossible or a substantial burden to the owner; or
- (d) such other condition which makes immediate removal impossible or an undue hardship to the owner.

(2) Owner Assignment of Obligation

The owner of the property may assign their obligation to remove the graffiti to the Glyndon Police Department. The assignment must be done within three (3) days from the date of the receipt of the written notification. The assignment must be in writing on a form provided by the Glyndon Police Department. The assignment will be effective only if the owner signs a statement authorizing removal by the City of Glyndon and hold the City harmless from any claims of suits brought for damages resulting from any chemicals or from any actions

taken by the county or its employees to remove the graffiti.

(3) Right of City of Glyndon to Remove.

- (a) Glyndon Police Department shall remove graffiti from the exterior of private property if an owner fails to remove the graffiti or fails to assign the obligation to remove the graffiti to the Glyndon Police Department.

SECTION 2. Vandalism and Graffiti Detection.

A. Reward

1. The City of Glyndon does hereby offer a reward of \$25.00 to any person who does not have an affirmative duty, yet supplies information leading to the arrest and conviction of any person for violating this section. The reward shall not exceed One Hundred Dollars (\$100) per incident. In the event of multiple contributors of information, the reward shall be divided by the City Attorney's office in the manner it shall deem appropriate.
- (a) Claims for rewards under this section shall be filed with the County Treasurer. Each claim shall:
- (i) specifically identify the date, location and kind of property damaged or destroyed;
  - (ii) identify by name the person who was convicted; and
  - (iii) identify the court and date upon which the conviction occurred.
- (b) All claims for rewards must be approved by the City Attorney's office after a thorough investigation of the claim.

SECTION 3. Penalties.

Upon a finding of guilty for violation of this section, there shall be imposed a fine up to Seven Hundred Dollars (\$700) or imprisonment not to exceed more than ninety (90) days, or both. Upon a finding of guilty upon a juvenile violating this ordinance, the penalty imposed shall be in accordance with Minnesota Statute Section 260.185 or 260.195. In addition to any fines, the court may require that a party:

- A. Make full and complete restitution to the City of Glyndon and the owner of the damaged property for expenses incurred in the removal of the graffiti and restoration of the property to its previous condition,
- B. Reimburse the City of Glyndon for any reward or reimbursements paid in connection with the violation; and

- C. Participate in community service, including but not limited to, time spent in cleaning property that has been defaced by graffiti at any location in the City.

ARTICLE 2:

If any portion of this ordinance is declared or held to be invalid by any court of competent jurisdiction, such declaration or finding of invalidity shall not affect any remaining portion of this ordinance which may be given effect without such invalid provisions, and to that end the provisions of this ordinance are severable.

ARTICLE 3:

This ordinance shall be effective on and after September 25, 1996.

PASSED AND APPROVED this 25th day of September, 1996

CITY OF GLYNDON

By: Richard D. Jones  
Mayor Dick Jones

ATTEST:

Dennis Johnson  
Dennis Johnson, Clerk/Treasurer