

**ORDINANCE 2023-37**

**AN ORDINANCE AMENDING SUBSECTION 302.10 OF  
LAFAYETTE MUNICIPAL CODE SECTION 13.03.010  
REMOVAL OF GRAFFITI**

WHEREAS, the City has adopted rules and regulations concerning graffiti removal as set forth in Subsection 302.10 of Lafayette Municipal Code Section 13.03.010;

WHEREAS, under the current ordinance the Lafayette Police Department is responsible for the initial notice to the property owner and initial resolution of any appeal regarding assessment of costs;

WHEREAS, the City Engineer's Office, particularly the Code Enforcement division, is familiar with enforcement of city code and transferring responsibility of notice from the Police Department to Code Enforcement will not only ensure a uniform approach to code enforcement violations, but will also free up law enforcement resources for essential law enforcement activities;

NOW, THEREFORE, be it ordained by the Common Council of the City of Lafayette, Indiana, as follows:

**Section 1.** Section 13.03.010 Subsection 302.10 hereby moves responsibility for initial notice and dispute resolution from the Lafayette Police Department to the Office of the City Engineer and as amended shall read as follows:

**Section 13.03.010**

**302.10 Removal of graffiti.**

- (a) Definition. The term "graffiti" for purposes of this section, shall mean any unauthorized inscription or representation, on a building, structure, wall, sign, fence, sidewalk, pavement, post, stone, tree or other object or structure, of any symbol, diagram, letter, word, numeral, emblem, picture, character, or combination thereof by carving, application of paint or other substance other than as permitted by this code.
- (b) Removal required. It shall be the duty of the owner or occupant of the building, structure, wall, dumpster, or other personal property upon which any graffiti has been placed to remove, cover or eradicate the graffiti. When graffiti is found to be on private property, the City Engineer, or their designee, shall notify the property owner, with a copy to the occupant if applicable, in writing of the graffiti and request its removal within fifteen (15) days. For good cause shown, the owner or occupant may be given additional time to meet the removal requirements without being charged with a violation of this section.

- (c) Removal by city authorized. In addition to any fine which may be imposed, if the owner or occupant fails to remove, cover or otherwise eradicate the graffiti within fifteen (15) days from the issuance of the notice, or such later date as the owner or occupant may be allowed, the city or its authorized agent may enter upon the property and remove such graffiti by any means necessary, and the cost of removal shall be collected from the owner or occupant of the property.
- (d) Lien for costs of removal incurred by city. Within 10 days, following the removal by the City of any graffiti from private property, the City shall send the property owner a Notice of Intent To Assess Costs detailing the cost remaining unpaid by the property owner, and within thirty (30) days of the date of the removal of the graffiti, said cost shall become a lien upon the real estate affected, unless modified in the Appeals Process provided in section (e). A city representative or agent shall report the costs to the City Controller, who shall certify the costs to the County Auditor. The Auditor shall place the same on the tax duplicate as a charge against the owner of the real estate, to be collected by the County Treasurer with the state, county and municipal taxes assessed against the owner's real estate at the regular time for paying the taxes.
- (e) Appeal Rights. The owner or occupant of the property may seek relief from the cost of the removal and abatement of the graffiti as provided in sections (c) and (d) by making a written request to the City Engineer, or their designee, providing all reasons and explanations justifying any modification or waiver of those cost. Each written request must be made within 10 days after receiving the Notice of Intent to Assess Cost. The City Engineer, or their designee, shall within 5 days of the receipt of an appeal, either waive, modify or reaffirm those cost and provide a written statement of said determination to the property owner with a copy to the Board of Works and Public Safety of the City of Lafayette. The property owner may request a Hearing and review of the City Engineer's decision by filing a written request with the Board of Works and Public Safety on or before 10 days after receiving the City Engineer's determination. The Board of Public Works and Safety shall at their next scheduled meeting make a final determination of the assessment of cost and placement of lien.
- (f) Recovery of cost from person responsible for placing graffiti. The cities' exercise of the remedies provided in this Ordinance shall not prevent the owner or occupant from recovery, through civil suit or otherwise, the cost of removal or other reparation from the person responsible for placing the graffiti on his property.
- (g) Penalty. Whoever violates any provision of this chapter may, in addition to payment of the costs incurred by the city to remove the graffiti, be fined not more than fifty dollars (\$50.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

**Section 2.** This Ordinance shall take effect upon passage, approval by the Mayor and publication as may be required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette,  
Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LAUREN AHLERSMEYER, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Sponsored by: Jacque Chosnek, City Attorney