

ORDINANCE NO.: 1771-21

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, RELATING TO OFFENSES, AMENDING CITY CODE OF ORDINANCES CHAPTER 12, "OFFENSES," BY ADOPTING ARTICLE II, "GRAFFITI", SETTING FORTH DEFINITIONS, PROHIBITIONS, AND REGULATIONS, AND PROCEDURES RELATED TO GRAFFITI, ESTABLISHING PROCEDURES FOR GRAFFITI REMOVAL, PROVIDING FOR ABATEMENT OF GRAFFITI BY THE CITY AFTER NOTICE AND FAILURE TO REMOVE, PROVIDING FOR PAYMENT OF THE ABATEMENT CHARGE AND ASSESSING THE ABATEMENT COSTS AGAINST THE PROPERTY IF NOT TIMELY PAID, AND PROVIDING FOR ALTERNATIVE CODE ENFORCEMENT ACTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of Altamonte Springs, Florida finds that graffiti left on private and public property can contribute to the deterioration of value of the property itself as well as the surrounding community; and

WHEREAS, the City Commission of Altamonte Springs finds that preventing the spread of graffiti vandalism with a program for the prompt removal of graffiti from public and private property furthers the public health, safety, and welfare; and

WHEREAS, the City Commission of Altamonte Springs finds that graffiti is a public nuisance, and providing additional enforcement tools to protect public and private property from acts of graffiti vandalism protects entire neighborhoods, and in turn, the entire City; and

WHEREAS, Pursuant to the Florida Constitution, and Chapter 166, Florida Statutes, the City Commission is authorized to enact this ordinance pursuant to its home rule and police powers; and

WHEREAS, the City Commission of Altamonte Springs finds this ordinance furthers the public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Altamonte Springs, Florida, as follows:

SECTION ONE: Chapter 12, "Offenses," of the *Altamonte Springs Code of Ordinances* is hereby renamed "Miscellaneous Offenses."

SECTION TWO: Article II., "Graffiti", of Chapter 12, "Miscellaneous Offenses," *Altamonte Springs Code of Ordinances* is hereby enacted to read as follows:

ARTICLE II. - Graffiti

12-15. - Definitions

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section:

City means the City of Altamonte Springs, Florida.

Graffiti means the unauthorized application of paint, ink, chalk, dye, felt-tip, or indelible marker, or by applying or affixing inscribed or engraved materials, including posters, placards, and flyers of any size on publicly or privately-owned real property within the City.

12-16. - An owner and tenant shall ensure that all sidewalks, walls, buildings, fences, driveways, signs, and other structures or surfaces shall be kept free from graffiti.

12-17. - Private property owners and tenants shall abate graffiti on property under their control within 72 hours of an order to abate given by a law enforcement officer or a City code enforcement officer. The order to abate shall be provided by issuance of a civil citation warning notice in accordance with Chapter 162, Florida Statutes, Part II, posting a written warning on the property or receipt of a notice of code violation.

12-18. - If an owner or tenant fails to remove graffiti within 72 hours after being provided an order to abate in accordance with this article, the failure to remove the graffiti shall be deemed to be consent for entry upon the property and abatement of the graffiti by:

- (a) Authorized City employees; or
- (b) A community-based program authorized by the City to provide such services; or
- (c) A contractor authorized and provided by the City to provide such services.

Prior to the City issuing action to abate graffiti on a single-family detached dwelling under this section, City staff shall first receive approval from the City Manager or designee for said action.

12-19. – If a law enforcement officer or code enforcement officer determines that graffiti is gang related, obscene, obtrusive or has a significant negative aesthetic impact, the law enforcement officer or code enforcement officer is authorized to reduce the 72-hour time-frames specified in 12-17 and 12-18.

12-20. - After causing the condition to be remedied in accordance with section 12-18, the City shall invoice the property owner for all costs, including administrative expenses, of \$250 associated with the removal of the graffiti. If said charges are not paid within thirty (30) calendar days, a special assessment lien will be placed upon the property for the amount of the invoiced costs of abatement and administrative expenses. Any property owner shall have a right to a hearing before the lien hearing appeals board to show cause, if any, why such expenses and charges should be abated or reduced.

12-21. - Nothing set forth in this chapter precludes or prevents the City from seeking any other remedy or penalty for any nuisance as provided by law, including but not limited to:

- (a) The issuance of a citation in accordance with the provisions of Chapter 3; or
- (b) Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the code enforcement board; or a civil action for injunctive relief; or
- (c) Enforcement in accordance with the general penalty as set forth in section 1-14.

12-22. – The City will provide information to the State Attorney, an insurance company, or others, who may seek restitution from an individual prosecuted for graffiti damage.

SECTION THREE: Repeal of Conflicting Provisions. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION FOUR: Severability. If any section, phrase, sentence, portion or provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION FIVE: Codification. It is the intent of the City Commission, and it is therefore ordained, that the provisions of this Ordinance shall become and be codified as a part of the City Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” may be changed to “Section”, “Article” or appropriate designation.

SECTION SIX: Scrivener’s Error. The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk’s designee, without public hearing.

SECTION SEVEN: Effective Date. This Ordinance shall become effective immediately after passage.

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PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021.

FIRST READING: 10/05/2021

ADVERTISED: 6/20/21 & 6/27/2021

SECOND READING: 10/19/2021



Pat Bates

PAT BATES, MAYOR
City of Altamonte Springs, Florida

ATTEST:

Angela M. Apperson

ANGELA M. APPERSON, CITY CLERK

Approved as to form and legality
for use and reliance by the City
of Altamonte Springs, Florida

James A. Fowler
JAMES A. FOWLER, ESQ., CITY ATTORNEY