

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 488

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO THE REGULATION OF GRAFFITI; AMENDING CHAPTER 8.55 OF THE BURIEN MUNICIPAL CODE; AMENDING THE DEFINITION OF GRAFFITI AND SHORTENING THE TIME PERIOD FOR GRAFFITI REMOVAL; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, in 1999 the City Council of the City of Burien adopted Ordinance No. 270 (codified at Chapter 8.55 BMC) establishing new requirements for removal of graffiti found upon public and private property in the City of Burien, and

WHEREAS, the graffiti removal regulations currently provide that all graffiti upon public or private property that is visible from a public road or right of way shall be removed by the property within ten days of notice given by the City, and

WHEREAS, the graffiti removal regulations do not specifically prohibit the use of very hard and sharp objects to etch words, designs, and other markings on glass or other surfaces which is a relatively new type of graffiti, and

WHEREAS, the City finds that, graffiti on fences, walls, glass, buildings and other structures attracts more graffiti and invites additional vandalism and crime; unabated graffiti sends a message that the community is not concerned about the appearance of its business districts and neighborhoods; the presence of graffiti generates neighborhood fear and instability, signals an increase in crime, lowers property values, hurts business revenue, is economically detrimental to the City, and is a sign of urban decay; the National Crime Prevention Council reports that studies have determined that if vandalism and graffiti is repaired or removed within 24 – 48 hours, there is little recurrence; by covering graffiti as soon as possible, the vandal is deprived of the effort and time it took to vandalize or tag property; that expeditious graffiti removal is the best deterrent to future incidents; that a quick removal response by property owners is the key to successfully combating graffiti; unless the City acts to remove graffiti from public and private property, the graffiti tends to remain and other properties then become the target of graffiti; and, entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the health, safety and welfare of the City and its residents, and

WHEREAS, the Council finds that graffiti is a public nuisance, and

WHEREAS, the City Council finds that amending Chapter 8.55 BMC to establish a shorter period to remove graffiti and to prohibit the etching as a form of graffiti will help prevent the spread

of graffiti vandalism and will support the City's program for the prevention and removal of graffiti, and

WHEREAS, the City Council intends, through the adoption of this Ordinance, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement, all in support of the general health, safety and welfare of the City and its residents;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of BMC 8.55.010 (Definitions). Section 8.55.010 of the Burien Municipal Code is hereby amended to read as follows:

8.55.010 Definitions.

- (1) "Graffiti" means the defacing, damaging or destroying by etching, spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures, places and properties.
- 2) "Graffiti abatement procedure" means the abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.
- (3) "Private contractor" means any person with whom the city shall have duly contracted to remove graffiti.

Section 2. Amendment of Section 8.55.040 (Graffiti – Notice of removal). Section 8.55.040 of the Burien Municipal Code is hereby amended to read as follows:

8.55.040 Graffiti – Notice of removal.

- (1) Whenever the city manager, or designee, determines that graffiti exists on any public or private buildings, structures, and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the city and when weather conditions permit the painting of exterior surfaces, the city manager or designee shall cause a notice to be issued to abate such nuisance. The property owner shall have ~~10~~5 business days after the date of the notice to remove the graffiti or the same will be subject to abatement by the city.
- (2) The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owners' name and address appears on the last property tax assessment rolls of King County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any

one of the following manners:

(a) By personal service on the owner, occupant or manager of the property;

(b) By U.S. first class mail, or registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

If notice is served by U.S. first class mail, notice shall be deemed to have been received three (3) days after depositing such notice, postage prepaid, in the United States mail in a properly address envelope.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 21<sup>ST</sup> DAY OF JULY, 2008, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 21<sup>ST</sup> DAY OF JULY, 2008.

CITY OF BURIEN

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Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

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Monica Lusk, City Clerk

Approved as to form:

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Christopher Bacha,  
Kenyon Disend, PLLC  
Interim City Attorney

Filed with the City Clerk: July 17, 2008  
Passed by the City Council: July 21, 2008  
Ordinance No. 488  
Date of Publication: July 24, 2008