

ORDINANCE NO. 880

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 8.34.090 – GRAFFITI

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Chapter II, Section 5 of the Troutdale City Charter provides: Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of these powers;
2. The Troutdale Municipal Code Chapter 8.34.090 – “Property defaced by graffiti as nuisance” includes provisions for abating graffiti; and
3. The Council desires to enact new provisions that provide for the creation of an obligation for property owners to cooperate in the abatement of graffiti on their property, and to provide a pathway to compel its abatement, and
4. This new provision balances the need for prompt abatement of graffiti, while at the same time giving private property owners a reasonable opportunity to clean it up themselves,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Chapter “8.34.090 – Property defaced by graffiti as nuisance” is amended as set forth in Attachment A, attached hereto as if fully set forth.

Section 2. This ordinance shall be effective 30 days after approval.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Randy Lauer, Mayor
Date: October 12, 2022



Sarah Skroch, City Recorder
Adopted: October 11, 2022

8.34.090 – Obligation to abate graffiti; abatement by city

(A) The owner of any property within the City of Troutdale shall remove any graffiti located upon exterior walls, structures, fences, or any other surface within ten days of the graffiti's appearance.

(B) Whenever the City Manager, or their designee, determines that graffiti exists upon private property described in (A) above, within the city, the Manager or their designee may issue an abatement notice to the property owner. The notice must identify with specificity the graffiti in need of abatement and must inform the recipient that the property owner shall have ten days after the date of service of the notice to remove the graffiti.

(C) The notice shall be served by addressing the notice to the owner and delivering it by personal service to the owner, or by mailing it as first-class mail to the property address and to any other readily identifiable address associated with the property owner.

(D) If the owner is unable to remove, or cause to be removed, the graffiti within the ten-day period due to a hardship, he or she may apply in writing to the Manager for an extension of time in which to remove the graffiti or ask for assistance from the City in abating the graffiti. For purposes of this subsection, "hardship" includes but is not limited to serious illness or disability, inclement weather that temporarily prevents removal of the graffiti, or other extraordinary circumstance as determined by the manager.

(E) A violation of the requirements of this section shall occur on the eleventh day after notice has been served to the property owner if the graffiti that was the subject of the notice has not been removed from the property and no written request for an extension or assistance has been sent to the Manager. Each day the subject graffiti remains after the eleventh day shall constitute a separate offense. At any point after a violation has occurred, the Manager or their designee may cause a citation to be issued to the owner of the property requiring the person to appear in Troutdale Municipal Court. The citation must specify the graffiti in need of abatement, identify the numbers of days that the property has been in violation of this section, and be issued by either personal service or by mail service as outlined in subsection (C) of this section.

(F) Each violation of this section is punishable by a fine of up to \$150.00. Failure to appear in the Troutdale Municipal Court on the date and time provided in any citation shall render the cited person subject to entry of a default judgment for up to the maximum fine amount for every violation cited. A finding of violation or entry of default judgment on one citation does not prohibit issuance of subsequent citations if the property continues to be in violation of this section. The Municipal Court shall have the further authority, if requested by the City, to allow entry on to the property containing the graffiti for the sole purpose of abating the graffiti.

(G) Nothing in this section shall limit the ability of the chief of police, or the City Manager or their designee, to immediately abate any graffiti on any utility poles and cabinets, on any public property, or within the public right of way, including but not limited to traffic signs and lights, or on any private property for which written consent to enter on to the property and remove graffiti has been given by the property owner.

(H) The City Manager may adopt rules and procedures to implement this chapter.