City of Columbus

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Legislation Details (With Text)

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On agenda:	4/30/2012	**Final action:**	
Title:	To supplement the Columbus City Codes, 1959, by the enactment of new Sections 4501.155, 4501.211, 4525.15, and 4525.16, in Chapters 4501 and 4525; and to amend existing Section 4703.01 of Title 47, Nuisance Abatement Code, Chapter 4703, of Columbus City Codes, 1959, pertaining to graffiti violations, abatement, and abatement assistance.		
Sponsors:	Zachary M. Klein, Michelle M. Mills		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
4/23/2012	1	Columbus City Council	Read for the First Time	

Explanation

BACKGROUND:

This ordinance supplements the Columbus City Codes, 1959, by the enactment of new Sections 4501.155, 4501.211, 4525.15, and 4525.16, in Chapters 4501 and 4525, which address the issuance of violations, abatement, and abatement assistance for graffiti on occupied structures. Graffiti on occupied structures is clearly defined as a violation of Title 45, Housing Code. Occupied structure is defined to articulate those structures impacted by the clarification. This legislation creates a duty to abate graffiti on occupied structures by owner of that structure as well as a Graffiti Abatement Assistance program to assist owners, as defined in new Section 4525.16 (A), found in violation of the Housing Code due to graffiti.

This ordinance also amends existing Section 4703.01 of Title 47, Nuisance Abatement Codes, Chapter 4703, of Columbus City Codes, 1959, to align the definition of graffiti in Chapters 45 and 47 of the Columbus City Codes, 1959.

The definition of graffiti applies to any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged, etched, scratched, or written on a property. The definition is limited to any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged, etched, scratched, or written that was placed on a property without the privilege to do so.

Title

To supplement the Columbus City Codes, 1959, by the enactment of new Sections 4501.155, 4501.211, 4525.15, and 4525.16, in Chapters 4501 and 4525; and to amend existing Section 4703.01 of Title 47, Nuisance Abatement Code, Chapter 4703, of Columbus City Codes, 1959, pertaining to graffiti violations, abatement, and abatement assistance.

Body

WHEREAS, graffiti victimizes property owners and occupants, neighborhoods and communities;

WHEREAS, unabated graffiti frequently attracts increased crime in the affected neighborhood;

WHEREAS, it is necessary to clearly define graffiti on occupied structures as a violation of Title 45, Housing Code, of the Columbus City Codes, 1959;

WHEREAS, it is necessary to align the definition of graffiti in Chapters 45 and 47, of the Columbus City Codes, 1959;

WHEREAS, it is the intent of City Council that victims of graffiti on listed occupied structures be provided with assistance in the abatement of that graffiti, now, therefore;
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Columbus City Codes, 1959, shall be supplemented by the enactment of new Sections 4501.155, 4501.211, 4525.15, and 4525.16, in Chapters 4501 and 4525, which shall read as follows:

4501.155 - Graffiti

"Graffiti" means any inscription, design, word, figure or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any building, bridge , fence, gate, rock, structure, tree, wall or other property that defaces, damages or destroys any public or private, real or personal property, without the privilege to do so.

4501.211 - Occupied Structure

"Occupied structure" means any building, accessory structure, fence, gate, business building, dwelling unit, rooming unit or other building or any portion thereof, to which any of the following applies:

(1) It is legally maintained as a permanent or temporary dwelling, even though it is temporarily unoccupied and whether or not any person is actually present.

(2) At the time, it is occupied as the permanent or temporary habitation of any person who has the legal right to do so, whether or not any person is actually present.

(3) At the time, it is specially adapted for the overnight accommodation of any person who has the legal right to do so, whether or not any person is actually present.

(4) At the time, any person is present or likely to be present in it and has the legal right to do so.
4525.15 - Graffiti removal

(A) No owner of any occupied structure shall fail to remove graffiti that is present on such building, business building, fence, gate, or accessory structure thereof.

(B) No owner of any occupied structure shall fail to remove graffiti that is present on any rock, structure, tree, wall, or other structure or property located on the parcel.

4525.16 - Graffiti Assistance Program.

(A) Creation and purpose.
There is hereby created in the Department of Development the Graffiti Assistance Program. The purpose of this program is to assist the owner of a building, accessory structure, fence, gate, or business building located in the City of Columbus and zoned agricultural, residential or commercial to abate graffiti that is present on such building, accessory structure, fence, or business building in order to comply with the provisions of Section 4525.15(A) of this Housing Code.

(B) Supervision of Director of Development.
The Director of Development shall promulgate reasonable rules and regulations to implement the provisions of the Graffiti Assistance Program. Such rules shall address, but shall not be limited to, the following:

(1) Any limitations on those buildings, accessory structures, fences, gates, or business buildings eligible for assistance;

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(2) Any per-occurrence or lifetime limits on abatement services rendered by the city or its contractors;

(3) Any waivers necessary to receive approval from the owner or operator of the property to gain entry by a city employee or contractor for the express purpose of graffiti abatement;

(4) Any tolling of violations should a waiver be obtained from an owner or operator;

(5) The time period during which the program may be made available; and

(6) Any other rules deemed reasonably necessary by the Director of Development.

SECTION 2. That Section 4703.01 of Title 47, Nuisance Abatement Code, Chapter 4703, of the Columbus City Codes, 1959, be and is hereby amended to read as follows:

4703.01 - Definitions

For purposes of Title 47 the definitions found in Title 45 and the following definitions apply:

A. "Code enforcement officer" means a property maintenance inspector, or a property maintenance inspector trainee, or a duly authorized representative of the director.
B. "Department" means the department of development.

C. "Director" means the director of the department of development or his or her designee.

D. "Graffiti" means any inscription, design, word, figure, or mark of any type drawn, marked, painted, tagged, etched, scratched, or written upon any upon any building, bridge, fence, gate, rock, structure, tree, wall, or other property ~~visible to the public~~ that defaces, damages, or destroys any public or private, real or personal property, without the privilege to do so.

E. "Owner" means any of the following:
1. The owner of record as shown on the current tax list of the auditor of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;

2. The mortgage holder of record, if any, as shown in the mortgage records of the recorder of Franklin, Delaware, Pickaway, Licking, or Fairfield County, Ohio;

3. Any person who has a freehold or lesser estate in the premises;

4. A mortgagee or vendee in possession. "In possession" means someone who evidences charge, care or control of the premises, and includes someone to whom the sheriff of Franklin, Delaware, Pickaway, Licking, or Fairfield County has issued a deed for the premises whether or not the deed has been recorded;

5. Any person who has charge, care of control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee;

6. Any person who holds himself or herself out to be in charge, care or control of the premises as evidenced by negotiating written or oral lease agreements relative to the premises, collecting rents for the premises, performing maintenance or repairs on the premises or authorizing others to perform maintenance or repairs on the premises.

F. "Public nuisance" means any of the following:
1. Any building, premises or real estate, including vacant land, or any appurtenance thereto which is not in compliance with any building, housing, nuisance abatement, air pollution, sanitation, health, fire, zoning or safety code of the city of

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Columbus;

2. Any building, premises or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one (1) year from date of assessment;

3. Any building, premises or real estate, including vacant land, or any appurtenance thereto on which a felony violation of Ohio Revised Code Chapters 2925 or 3719 has occurred;

4. Any building, premises or real estate, including vacant land, or any appurtenance thereto as defined as a nuisance or public nuisance in Ohio Revised Code Chapter 3767.

5. Any building, premises or real estate, including vacant land, or any appurtenance thereto that is used or occupied by a criminal gang (as defined in RC 2923.41) on more than two (2) occasions within a one (1)-year period to engage in a pattern of criminal gang activity (as defined in RC 2923.41).

6. Any building, premises or real estate, including vacant land, or any appurtenance thereto used in violation of Ohio Revised Code Chapter 2915.

SECTION 3. That prior existing Section 4703.01 is hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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