ORDINANCE NO. 1480

AN ORDINANCE introduced by Mayor Joan Wagonen amending City of Topeka Code § 54-43 pertaining to defacement of property by graffiti and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. City of Topeka Code § 54-43, Defacement of property by graffiti, is hereby amended to read as follows:

Defacement of property by graffiti.

(a) Defacement or damage of property by graffiti. It shall be unlawful for any person to write, spray, scratch or otherwise affix graffiti upon any property, public or private, in which another has an interest and without the consent of such other person. A person found in violation of this section shall be punished by a fine not to exceed $499.00, or by imprisonment for not more than 179 days, or by both such fine and imprisonment. In addition to such penalty the court shall order the convicted person to perform the necessary labor to clean up, repair or replace the property damaged by that person, or to pay any costs incurred by the owner or the City related to the clean up, repair or replacement of property damaged by that person.

(b) Graffiti declared public nuisance, owner/occupant’s duty to remove. The existence of graffiti upon any building, residence or other structure or property within the city is expressly declared to be a public nuisance subject to the provisions of section 66-26 et seq. of the Code of the City of Topeka and it shall be the duty of the owner and/or occupant of any building, residence or other structure or property that has been defaced.
by graffiti to clean up or otherwise cover such graffiti, or to contact the city department of
community and economic development for assistance with the abatement of the graffiti in
accordance with administrative procedures, graffiti procedures, attachment I adopted and
incorporated herein by reference. Failure to do so within ten days of the violation notice
provided by section 66-26 et seq. of the Code shall mean that such graffiti shall be subject
to abatement by the city as hereinafter provided by section 66-26 et seq. of the Code.

(eb) Definitions. Except as otherwise required by the context, as used in this section,
the following words and terms shall have the meanings ascribed to them as follows:

(1) Person means any individual, individuals, corporation, partnership,
unincorporated association, other business organization, committee, board, trustee,
receiver, agent or other representative who has charge, care, control or
responsibility for maintenance of any premises, regardless of status as owner,
renter, tenant or lessee, whether or not in possession.

(2) Graffiti means any unauthorized writing, inscription, word, figure or design
which is marked, etched, scratched, drawn or painted on any structural component
of any building, structure or other facility, regardless of the nature of the material
used in its application or upon which it is applied.

Section 2. Original City of Topeka Code § 54-43 is hereby specifically repealed.
Section 3. This ordinance shall take effect and be in force from and after its
passage, approval and publication in the official city newspaper.