

## CHAPTER 7 - PROPERTY MAINTENANCE CODE (Rep. & recr. #2447)

### 7.24 - EXTERIOR STRUCTURE.

#### (12) GRAFFITI ABATEMENT. (Cr. #3001)

##### (a) *Real Property.*

1. *Definition of "Graffiti".* When used in this subsection, the term "graffiti" shall have the meaning prescribed by [§15.09](#) of the City ordinances.
2. *Public Nuisance.* The existence of graffiti on any real property within the city is expressly declared to be a public nuisance affecting public health, safety and welfare.
3. *Graffiti Prohibited.* No owner of any real property within the city shall allow any graffiti to remain upon any structure located on the owner's property when the graffiti is visible from the street or from other public or private property.
4. *Notification of Violation.* Whenever the Division of Housing Services determines that graffiti on any building or structure within the city is visible from the street or from other public or private property, the Division of Housing Services shall issue an order to the owner of the property to abate the graffiti in a timely manner. Such order shall be issued in compliance with the requirements of §§7.10 to [7.12](#) of this chapter.
5. *Compliance.* A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti. If paint is used to obliterate graffiti, the paint shall be applied in the manner required by [§7.24\(3\)\(b\)](#) of this Code.
6. *Failure to Comply.* If the property owner fails to comply with the order to abate the graffiti, the Division of Housing Services may cause the graffiti to be abated either by city employees or by independent contractor. The city and the independent contractor are expressly authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right of way. The city or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practicable to the background color or colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to §66.0627, Wis. Stats., shall be imposed as a special charge against the real property for the cost of the services provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Ch. 74, Wis. Stats.

##### (b) *Solid Waste Containers.*

1. Each licensed solid waste hauler or applicant for solid waste hauler's license shall submit a plan for ongoing and scheduled removal of graffiti from solid waste containers. The plan shall be attached to the application for a hauler's permit issued pursuant to [§17.06\(19\)](#) of the City ordinances. The plan shall include a fax number and the name of the administrator responsible for the applicant's solid waste containers.
2. Each solid waste container shall be clearly marked noting the name and phone number of the company responsible for maintenance of the container.
3. Graffiti on solid waste containers shall be removed within 3 working days following notification by the Division of Housing Services or within 3 working days of the last time the container is emptied, irrespective of any plan submitted under paragraph (b).