

ORDINANCE NO. 2025-XX

An Ordinance to amend the Highland Park City Code, Section 668 "Offenses Relating to Property," to establish the regulation of graffiti and making its commission a misdemeanor offense in the City of Highland Park, which will promote, protect, and safeguard the public health, safety and welfare of its citizens, businesses and their property.

WHEREAS, the City of Highland Park wishes to enact a local Ordinance regulating graffiti; and

WHEREAS, the Charter for the City of Highland Park provides that Council has the authority to enact all ordinances they deem necessary for the safety, order and good government of the City and the general welfare of the inhabitants

NOW, THEREFORE, THE CITY OF HIGHLAND PARK ORDAINS:

Section 1. Section 668.19 is hereby adopted:

Section 668.19 REGULATION OF GRAFFITI

(a) DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

Terms not herein defined shall have the meanings customarily assigned to them.

Code Official: The official, who is charged with the administration and enforcement of this article, or any duly authorized agent.

Graffiti: Inscriptions, drawings, paintings or other visual defacing of buildings, structures, roadways or natural features, without the consent of the owner thereof, and which is not otherwise authorized or permitted pursuant to this chapter.

Notice of Violation: A notice issued to the owner or responsible local agent stating that there has been a violation of a provision of the subchapter or any other applicable codes, ordinances, rules, or regulations concerning the premises.

Property Owner: Any person, agent, firm or corporation having a legal or equitable interest in the premises.

Responsible Local Agent: The responsible local agent shall be an individual person, and shall be either the property owner, representative of a corporation, partnership, firm, joint venture, trust, association, organization, or other entity having a legal or equitable interest in the property, or designated by the owner as responsible for operating the premises in compliance with all the

provisions of the city codes and ordinances. All official notices and violations may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record.

(b) GRAFFITI BLIGHT PROHIBITED

1. A person is prohibited from defacing the property of another without the consent of that person by the application of graffiti.
2. A person under eighteen (18) years of age shall not carry or possess a can of aerosol paint outside the premises of their household within the City, except when under the direct supervision of an adult in carrying out a legitimate use of such a product.
3. A person who violates any prohibition of this chapter is liable for a civil infraction of \$250.00 for a first offense and of \$500.00 for a second offense within one year. In lieu of paying a fine for a civil offense, a minor offender may be assigned to a work crew to remove graffiti to satisfy the fine at a rate of \$15.00 per hour. The prosecuting attorney, in their discretion, may further represent the owner of the property before the juvenile division of the probate court in obtaining a civil judgment against the offending juvenile for the full costs of removing the defacement and restoring the property.
4. The owner of graffiti defaced property on an architectural natural surface shall within thirty (30) days after such defacement occurs, if weather permits, either remove the graffiti, or have it removed by use of chemical agents, or by use of a pneumatic blasting material, or both. If a painted surface is defaced, the graffiti may be masked over with new and matching paint. If the graffiti is not removed within thirty (30) days, the City may issue an order to require that the work be done within another fifteen (15) days, on the condition that if it is not done within those fifteen (15) days, it shall be removed by a City crew, and the costs shall be charged to the owner. If not paid within thirty (30) days of billing, the amount of the charge plus 10% administrative fee shall become a lien against the property and shall be added to the next property tax billing.

(c) TRANSFER OF OWNERSHIP

It shall be unlawful for the owner of any property, who has received a notice of violation of this article, to transfer, convey, lease, or sell (including by land contract) their ownership and/or interest in any way to another, unless the owner shall have first furnished to the grantee, lessee, vendee, or transferee a true copy of any notice of violation and shall have furnished to the code official a signed and notarized statement from the grantee, lessee, vendee, or transferee acknowledging the receipt of the notice of violation.

(d) ADDITIONAL VIOLATIONS

The following are additional violations subject to enforcement:

1. No person shall harass, stalk, threaten, hinder, assault, bring to harm, or otherwise interfere with a code official or duly authorized agent during the performance of their duties.
2. Each day upon which a violation of this article occurs shall be considered a separate offence after the allotted thirty (30) days have elapsed and subject to the full initial or secondary offense fine, whichever is appropriate.

(e) COMPLIANCE WITH CODE OF ORDINANCES

All structures shall comply with all provisions of this article, the International Property Maintenance Code as adopted by the City, and all other applicable ordinance requirements. After an initial inspection and notice of violation have been provided to an owner or responsible local agent, thirty (30) days shall be allotted to correct or remove any violation of this chapter. Thereafter, a re-inspection shall be conducted to verify compliance. Any structure that is then found to be in compliance with this chapter shall have any enforcement action resulting from a complaint of violation of this ordinance closed.

Any structure that is found not to be in compliance with this chapter shall be subject to citation and fines and potential court action.

(f) DISTRICT COURT ACTIONS FOR GRAFFITI

1. When information is requested from the Court of any enforcement action for graffiti, the court shall be notified of any violation of this article.
2. When so instructed by the Court, the owner or responsible agent shall take measures to remove the graffiti cited in any inspection related to an enforcement action that has been referred to the Court.

(g) DISCLAIMER OF LIABILITY

1. The inspection of the land use, exterior posture, and interior accessories of the structure is limited to visual inspection only.
2. The City shall not assume any liability to any person by reason of the inspections permitted by the subchapter or the code adopted herein.

FIRST READING:

SECOND READING AND ADOPTION: