

**Subd. 4. Graffiti as Nuisance.**

- A. Declaration. The existence of graffiti on public or private property in violation of this ordinance is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this ordinance.
- B. Duty of Property Owner. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

**Subd. 5. Removal of Graffiti.**

- A. By Perpetrator. Any person applying graffiti on public or private property has the duty to remove the graffiti within 24 hours after notice by the City or private owner of the property involved. This removal must be done in a manner prescribed by the City Administrator, Chief of Police, Public Works Director or their designees. Any person applying graffiti is responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this ordinance. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for the payment for the removal.
- B. By Property Owner or City. If graffiti is not removed by the perpetrator according to paragraph 1, the City may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure in Section 801.06. If the property owner or responsible party fails to remove offending graffiti within the time specified by the City, the City may commence abatement and cost recovery proceedings for the graffiti removal in accordance with Section 801.07.

**Subd. 6. Penalty.** Any violation of this Section is a misdemeanor, punishable in accordance with state law.

**SECTION 814.01. NUISANCE A MISDEMEANOR.** It is unlawful for any person to create, maintain, or fail to abate any activity or condition that is declared by any Section in this Chapter to be a nuisance and any violation shall be a misdemeanor.