



Town of Dumfries  
Council Meeting

Meeting Date: October 1, 2013

Agenda Item# XIV - A

### AGENDA ITEM FORM

**TYPE OF AGENDA ITEM:**

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
  - Duly Advertised

**PURPOSE OF ITEM:**

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
  - Introduction     Resolution
  - Ordinance        Grant/MOU
  - By Motion        Bylaws
  - Certificate

**PRESENTER:** Laura O'Dell

**PRESENTER TITLE:** Planner/Zoning Administrator

**AGENDA ITEM:**

Public Hearing on the Nuisance Ordinance Amendment: Graffiti Code

**BACKGROUND / SUMMARY:**

The Town has received several complaints about graffiti on privately owned property in Town. Currently the Town does not have an ordinance regulating this or recognizing graffiti as illegal. In order to respond to graffiti complaints it is necessary to have an ordinance in place. Prince William County has successfully implemented a graffiti ordinance to address these issues. Attached is the proposed language for graffiti prevention and removal, which will fall under Article II of Section 26, Nuisances.

**ATTACHMENTS:**

Proposed Ordinance

**REQUESTED ACTION:**

NO ACTION REQUESTED

Vote to Introduce the Ordinance (if approved will move to the consent agenda 11-12-13)

**FOR MORE INFORMATION, CONTACT:**

Phone#:

Name:

E-mail:

*FOR USE DURING MEETING*

**VOTE:**

PASSED

NOT PASSED

Y    N

Y    N

Y    N

- Brewer
- Reynolds
- Wood

- Foreman
- Toney

- Forrester
- Washington

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL, HELD ON NOVEMBER 12, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION MADE BY \_\_\_\_\_, AND SECONDED BY \_\_\_\_\_, THE FOLLOWING ORDINANCE WAS REQUESTED TO MOVE FORWARD TO A PUBLIC HEARING BY THE FOLLOWING VOTE:**

Charles C. Brewer, ;  
Gerald M. Foreman, II, ;  
Kristin W. Forrester, ;  
Helen D. Reynolds, ;  
Willie J. Toney, ;  
Gwen P. Washington, ;  
Derrick R. Wood, ;

**ORDINANCE TO AMEND THE CODE OF THE TOWN OF DUMFRIES, VIRGINIA, AS AMENDED, BY AMENDING CHAPTER 26 ENVIRONMENT, ARTICLE II NUISANCES, BY ADDING SECTION 26-22(a)(14) GRAFFITI PREVENTION AND REMOVAL**

**WHEREAS**, the Town of Dumfries has experienced issues with graffiti throughout the Town and the current Dumfries Town Code does not allow for a way to require the remediation of graffiti; and

**WHEREAS**, graffiti is unsightly, injurious to the public at large and constitutes a public nuisance; and

**WHEREAS**, the prevention and remediation/removal of graffiti is in the interest of the public safety and welfare of the Town; and

**WHEREAS**, a review of the Town Code shows there is no Town Ordinance requiring a minimum standard of maintenance and care for residential properties, and

**WHEREAS**, Town Council discussed the matter at their August 20, 2013 meeting and directed staff to move forward with scheduling a public hearing on an ordinance to adopt the amendment to Article II, Chapter 26, Section 26-22(a)(14) making graffiti a nuisance, and

**WHEREAS**, Town Council requested the Town Manger advertise a public hearing at their September 3, 2013 meeting, and

**WHEREAS**, Town Council held a duly advertised public hearing on October 1, 2013.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Town of Dumfries on this the 12th day of November, 2013, that the Code of Ordinances, Town of

Dumfries, Virginia, as amended, is further amended by amending and adding Section 26-22(a)(14) to Chapter 26, Article II and is enacted as follows:

**Article II of Chapter 26, Sect. 26-22(a)(14)**

Sect. 26-22

14. *Graffiti Prevention and Removal*

(a) It shall be unlawful for any person to willfully or maliciously damage or deface any public building, facility or personal property or any private building, facility or personal property.

(b) *Definition.* "Graffiti" or "defacement" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, mark, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.

(c) *Graffiti declared a nuisance.* Damage to or defacement of property within the Town is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

This ordinance shall become effective on November 12, 2013.

By Order of Council:

\_\_\_\_\_  
Gerald M. Foreman, Mayor

Attest: \_\_\_\_\_  
Dawn Hobgood, Town Clerk