

**By Schiff**

**Amending Title 11, Chapter 226 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Graffiti Nuisance Property.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 226.30 of the above-entitled ordinance be amended to read as follows:

**226.30. Definitions.** For the purpose of this chapter, the terms defined in this section shall have the following meanings unless the context clearly indicates otherwise:

*Accessory structure.* A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds and fences.

*Graffiti.* Any unauthorized markings of paint, ink, chalk, dye or other similar substance which is visible from premises open to the public and that have been placed upon any real or personal property such as buildings, fences, structures, or the unauthorized etching or scratching of such described surfaces where the markings are visible from premises open to the public, to the extent that the graffiti was not authorized in advance by the owner. "Open to the public", for the purposes of this paragraph, includes any public right-of-way, any publicly owned property, and any private property onto which the public is regularly invited or permitted to enter for any purpose.

*Graffiti nuisance property.* Property upon which graffiti has been placed and such graffiti has been permitted to remain for more than ten (10) days after the property owner of record has been given a written notification pursuant to this chapter.

*Manager.* A graffiti abatement manager shall be designated by the director of public works. The graffiti abatement manager shall be responsible for the administration of the graffiti nuisance abatement program under this chapter. In accordance with adopted procedures, the manager may appoint such officers, employees and agents as shall be authorized and necessary to enforce the provisions of this chapter. Such officers, employees and agents may perform such functions of the manager as described in this chapter as the manager may designate.

*Occupant.* Any person, lessee or sublessee, successor or assignee who has control over property.

*Owner.* Any person, agent, firm or corporation having a legal or equitable interest in a property. "Owner" includes, but is not limited to:

- (1) A mortgagor or holder of a contract for deed in possession in whom is vested:
  - a. All or part of the legal title to the property; or
  - b. All or part of the beneficial ownership and a right to present use and enjoyment of the premises.
- (2) An occupant who has control over the property/premises.

*Permit.* To knowingly suffer, allow, or acquiesce by any failure, refusal or neglect to abate.

*Property.* Any real or personal property and that which is affixed incidental or appurtenant to real property but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.

*Structure.* Anything constructed or erected with a more or less fixed location on the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, docks and any objects or things permanently attached to the structure.

*Unauthorized.* Without the consent of the owner or the occupant.