

SEP 22 2009

ORDINANCE NO. 56A-15BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 15-39, GRAFFITI.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses – Miscellaneous, is hereby amended and reordained by adding Section 15-39, Graffiti.

Chapter 15. Offenses – Miscellaneous

Section 15-39. Graffiti.

For purposes of this section, the term "defacement" means 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.

(a) The county may undertake or contract for the removal or repair of the defacement of any public building, wall, fence, or other structure or any private building, wall, fence, or other structure where such defacement is visible from any public right-of-way. Whenever the property owner, after reasonable notice, fails to remove or repair the defacement, the county may have such defacement removed or repaired by its agents or employees. Such agents or employees shall have any and all immunity normally provided to an employee of the county.

If the defacement occurs on a public or private building, wall, fence, or other structure located on an unoccupied property, and the county, through its own agents or employees, removes or repairs the defacement after complying with the notice provisions of this section, the actual cost or expenses thereof

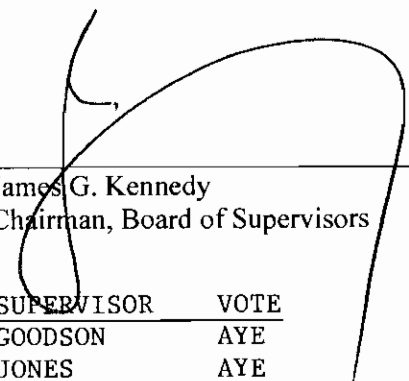
shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes are collected. No lien shall be chargeable to the owners of such property unless the county shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement.

Every charge authorized by this section with which the owner of any such property shall have been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. The county may waive and release such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(b) The court may order any person convicted of unlawfully defacing property described in subsection (a) to pay full or partial restitution to the locality for costs incurred by the county in removing or repairing the defacement.

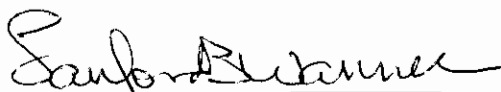
(c) An order of restitution pursuant to this section shall be docketed as provided in Section 8.01-446 of the Code of Virginia when so ordered by the court or upon written request of the county and may be enforced by the county in the same manner as a judgment in a civil action.

State law reference – Code of Va., § 15.2-908. Authority of localities to remove or repair the defacement of buildings, walls, fences, and other structures.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
GOODSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 2009.