

ORDINANCE NO. NS - 2525

AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND MUNICIPAL CODE
CHAPTER 13.40, GRAFFITI

Recitals

- A. The City of Bend has had a Graffiti Code in place for decades. Title 13 of the Bend Municipal Code (BMC) was updated in 2010, however, the Graffiti Code remained unchanged.
- B. BMC Section 13.40.010 is renamed to "Graffiti" which is consistent with the chapters within Title 13.
- C. A new subsection is added to clarify that the Graffiti Code does not apply to markings that are part of an approved sign permit, pursuant to BMC 9.50.095 Mural Sign Regulations.
- D. The changes delete provisions relating to graffiti nuisance property, in alignment with industry best practices.
- E. The changes move enforcement of municipal code violations related to graffiti to the Code Enforcement Division of the City from the Bend Police Department and align code enforcement work on graffiti to the division's other code enforcement practices. The Bend Police Department will continue documenting, investigating and solving the criminal aspect of graffiti in the community.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1.** Chapter 13.40 of the Bend Municipal Code is amended as shown on the attached Exhibit A.
- Section 2.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 3.** All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: May 7, 2025

Second Reading and adoption by roll call vote: May 21, 2025

YES: Kebler, Franzosa, Méndez, Norris, Platt, Riley
NO:

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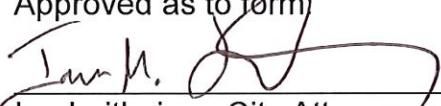
Melanie Kebler, Mayor

ATTEST:



Ashley Bontje, City Recorder's Office

Approved as to form



Ian Leitheiser, City Attorney

Exhibit A
Bend Municipal Code Update
April 16, 2025
Prepared by: Code Enforcement Division

Note:

Text in underlined typeface is proposed to
be added

Text in ~~strikethrough~~ typeface is proposed
to be deleted.

***Indicates where text from the existing code has been omitted because it will remain
unchanged.

DRAFT

Title 13

NUISANCES SUBJECT TO ABATEMENT

Chapter 13.40

GRAFFITI

13.40.005 Graffiti Nuisance Property. Definitions.

For the purposes of this code section, the following definitions apply:

- A. **Abate** means to remove graffiti from public view.
- B. **Graffiti** means any unauthorized markings of paint, ink, chalk, dye or other similar substance which are 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, such as public rights-of-way or other publicly owned property.

~~C. **Graffiti nuisance property** means property to which graffiti has been applied, if the graffiti is visible from any public right-of-way, from any other public or private property, or from any premises open to the public, and if the graffiti has not been abated within 14 days of written notification of its existence.~~

~~D.C. **Property** means any real property including land and that which is affixed, incidental or appurtenant to land, including, but not limited to, any premises, house, building, fence, or items of machinery, drop boxes, waste containers, utility poles and vaults, and post office collection boxes.~~

~~E. D. **Unauthorized** means without consent of the owner, occupant or responsible party.~~

13.40.010 Procedure. Graffiti

~~A. The City shall maintain a system for members of the public to report incidence of graffiti they observe on public and private property.~~

~~B. A. The owner or occupant of any property in the City shall remove any graffiti from such property within 14 days of the graffiti's appearance.~~

~~C. When the Chief of Police determines that property has become graffiti nuisance property, the chief shall:~~

- ~~1. Notify the owner(s) of record and/or occupant in writing, via first class mail service, that the property has been determined to be graffiti nuisance property.~~
- ~~2. The notice shall contain the following information:
 - ~~a. The street address and description sufficient for identification of the property.~~
 - ~~b. A statement that the property is graffiti nuisance property with a concise description of the conditions leading to those findings.~~
 - ~~c. An information sheet identifying any graffiti removal assistance programs available through the City or private contractors.~~
 - ~~d. A statement that the owner and/or occupant shall either remove the graffiti within 15 days from the date of the notice or describe in writing what steps have been or will be taken to remedy the graffiti nuisance on the property.~~~~

D. B. If the graffiti cannot be removed due to inclement weather, a waiver of the time restrictions may be authorized by the Chief of Police City Manager or designee.

C. This chapter shall not apply to markings which are a part of a sign, which has been previously approved by the City of Bend pursuant to Bend Municipal Code 9.50.95 Mural Sign Regulations.

E. D. Violation of this chapter is a Class B civil infraction. Each day after the initial citation is issued may be considered a separate violation. In addition, any person, firm, corporation or other entity not complying with this section shall be subject to the abatement procedures provided in this chapter.