

ORDINANCE 04-06

AN ORDINANCE OF THE CITY OF COMMERCE, AMENDING SECTION 38-29, 38-30 AND 38-31 OF THE CITY OF COMMERCE CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

Sec. 38-29:

(a) Definitions.

As used in this article, the following words shall have the definitions ascribed to them by this section:

City means the employee designated by the city manager to enforce and administer this ordinance.

Graffiti means any marking, including, but not limited to, any inscription, slogan, drawing, painting, symbol, logo, name, character or figure that is made in any manner on tangible property.

Guardian means:

- (a) A person who, under court order, is the guardian of the person of a minor, or
- (b) A public or private agency with which a court has placed a minor.

Minor means any person under seventeen (17) years of age.

Owner means any person with the legal right of possession to tangible property.

Parent means a person who is a natural parent, adoptive parent, or step-parent of another person.

(b): Responsibility of parent or guardian for graffiti created by a minor.

A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to create graffiti on tangible property in the city without the property owner's consent.

(c) : Duty of property owner to remove graffiti.

- (1) An owner of tangible property in the city commits an offense if he fails to remove all graffiti within thirty (30) days – from the property that is visible from any public property or right-of-way or from any private property other than the property on which the graffiti exists.

(2) Before issuing a citation for a violation under subsection (a) of this section, the City shall serve the property owner with written notice to remove the graffiti from the property within ten (10) calendar days from the date the notice is served. The notice may be served by handing it to the owner in person or by United States certified mail, five day return receipt requested, addressed to the owner at the owner's post office address as shown on the tax rolls of the city or of the county in which the premises is located. If the owner cannot be found and the notice is returned by the United States Postal Service, then the owner may be notified by:

- (a) Posting the notice on or near the front door of each building on the premises to which the violation relates; or
- (b) Posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contains no buildings.

(3) The ten (10) calendar days will be counted:

- (a) From the date the notice is personally served on the owner or from the sixth (6th) day after the notice is placed in the United States certified mail.

Section 38-29 of the code of ordinances of the City of Commerce, Texas entitled "Violations; penalties" is hereby amended by renumbering said ordinance Section. 38-30.

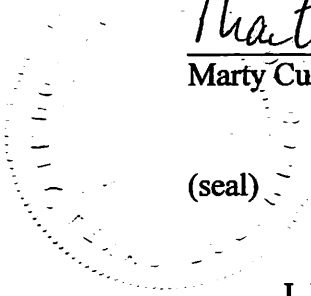
Section 38-30 of the code of ordinances of the City of Commerce, Texas entitled "City's expense to correct violations" is hereby amended by renumbering said ordinance Sec. 38-31.

If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 1st day of June 2004.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 15th day of June 2004.

ATTEST:

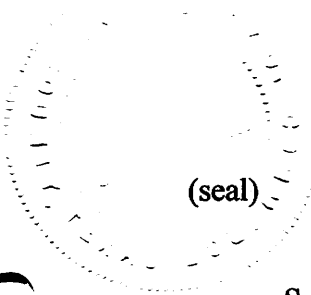

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE:

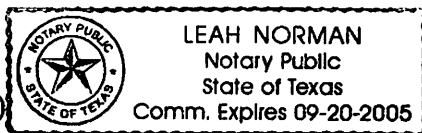
Sheryl Zelhart
Sheryl Zelhart, Mayor

I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.


Marty Cunningham
Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 17 day of June 2004 to certify which witness my hand and seal of office.

(seal) 

Leah Norman
Notary Public, State of Texas