

ORDINANCE NO. 2223

**AN ORDINANCE AMENDING CHAPTER 123 “GRAFFITI”, SECTION 123-5
OF THE CODE OF THE BOROUGH OF ROSELLE PARK**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 123, Section 123-5 “Regulations Applicable to All Districts” of the Borough Code is hereby amended to add the following:

SECTION I. §123-5 – Violations and Penalties.

- D. By this Ordinance, the Borough authorizes and directs the creation of a graffiti trust account to be maintained by the Borough for the following purposes:
1. To collect, obtain, maintain and distribute the sums described as “monetary restoration to restore the property to its original undamaged condition” described in Section 123-5B above. The trust account created for this purpose shall be entitled “Graffiti Trust Account”. The Borough Council and Borough Clerk shall control the allocation of the funds in the Graffiti Trust Account for the remediation of graffiti within the Borough of Roselle Park, which shall include cleaning, repairing, painting or otherwise restoring the damaged public property to the condition it was prior to the damage incurred. Any remediation of public property, subject to graffiti may be funded by the funds contained in the Graffiti Trust Account, at the discretion of the Borough Council and the Borough Clerk.
 2. Any private property that has been subjected to graffiti shall not be eligible for remediation out of the funds in the Graffiti Trust Account.
 3. The Roselle Park Police Department and the members of the Borough Code Department are hereby authorized to issue a notice to the owner or tenant of private property of the discovery of graffiti. The owner or tenant of the private property must remediate the damage/graffiti within thirty (30) days of the initial notice of graffiti as described above. Any private property owner who fails to remediate this property as described above within thirty (30) days of the notice of damage shall be subject to a mandatory fine of \$50.00 for the first violation and \$100.00 for the second and subsequent violation. If the graffiti/damage remains un-remediated for a period of thirty (30) days, the owner or tenant of the private property will be subject to a daily fine of \$50.00 per day for every day in which the property in question remains un-remediated. The fines collected pursuant to this subsection (123-5) shall be deposited into the Graffiti Trust Account as described above.
 4. Any owner or tenant of private property subject to this provision shall be entitled to receive restitution for the fine assessed in this subsection from the individual responsible for the graffiti and/or damage, or parent or guardian thereof.

SECTION 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. If any portion of this Ordinance shall be deemed to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect at the time and in the manner prescribed by law.

Introduced: October 4, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk