

**ORDINANCE NO. 3644**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY BY ADDING NEW CHAPTER 207, TO BE ENTITLED GRAFFITI, WHICH CHAPTER PROVIDES FOR THE PROHIBITION OF GRAFFITI AND REQUIRES PROPERTY OWNER TO REMOVE GRAFFITI.**

**Summary**

An ordinance prohibiting acts of graffiti on buildings, structures and other exposed surfaces located within the Township and to require the owner of a building, structure or other exposed surface located in the Township to remove graffiti.

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, New Jersey as follows:

**Section I**

The Municipal Code of the Township of Franklin, County of Somerset, New Jersey is hereby amended by adding thereto a new chapter, to be Chapter 207, Graffiti, to read as follows:

- § 207-1. Definitions**
- § 207-2. Violations**
- § 207-3. Notification of Order to Remove Graffiti to Property Owner**
- § 207-4. Response to Order to Remove Graffiti from Property Owner**
- § 207-5. Objection to Order to Remove Graffiti**
- § 207-6. Failure to Comply with Order to Remove Graffiti**

**§ 207-1. Definitions**

Graffiti means any drawing, painting or making of any mark or inscription on public or private real or personal property without the prior written permission of the owner of the property.

**§ 207-2. Violations**

- A. No person shall purposely or knowingly vandalize, deface or otherwise damage the real or personal property of another by drawing, painting or otherwise inscribing, in any fashion, graffiti.
- B. The act of graffiti shall constitute the willful, malicious or unlawful injury or destruction to real or personal property.

**§ 207-3. Notification of Order to Remove Graffiti to Property Owner**

- A. In the event graffiti is found, the Township shall provide the owner of record written notice of an order to remove said graffiti by certified mail and regular mail, which order shall afford the owner the opportunity to remove the graffiti within 90 days of the date that the notice is sent, however, the State Department of Transportation shall be afforded 120 days from the date that the notice is sent to remove graffiti from property owned by the Department.
- B. The Township's order to remove shall contain a form to be utilized by a property owner to inform the Township that the graffiti has been removed and shall contain a certification stating that by affixing a signature to the form indicating that the graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

**§ 207-4. Response to Order to Remove Graffiti from Property Owner**

A property owner who has been ordered to remove graffiti shall respond to the Township by personal delivery or certified mail:

- a) Any objection to the order, within 30 days of the date of the order;
- b) Notice that the graffiti has been removed, within 90 days of the date of the order, or in the case of the State Department of Transportation, within 120 days of the date of the order.

**§ 207-5. Objection to Order to Remove Graffiti**

A property owner who objects to an order to remove graffiti may institute an action challenging the order before a court of competent jurisdiction within 60 days of the date of the order.

**§ 207-6. Failure to Comply with Order to Remove Graffiti**

- A. If a property owner does not undertake the removal of graffiti within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order, unless an action challenging the order to remove graffiti is still pending, the Township may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the Township, by certified mail and regular mail, for reimbursement from the property owner.
- B. Whenever the Township undertakes the removal of graffiti from any building, structure or other exposed surface, the Township Council, in addition to assessing the cost of removal as municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

**Section II**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**Section III**

This ordinance shall take effect immediately upon adoption and publication according to law.

**ORDINANCE NO. 3644**

THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE  
TOWNSHIP COUNCIL, TOWNSHIP OF FRANKLIN, SOMERSET, NJ

INTRODUCED: September 26, 2006  
PUBLIC HEARING: October 24, 2006  
ADOPTED:  
NOTICE OF FINAL ADOPTION:  
EFFECTIVE DATE:

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ANN MARIE McCARTHY, TOWNSHIP CLERK