

NOTICE OF INTENT TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that on the 7th day of July, 2008, at its regular meeting at 6:00 p.m., in the City Commission Chambers at City Hall, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance which reads as follows:

AN ORDINANCE ADDING TO SECTION 9.16 OF THE HOBBS MUNICIPAL CODE CONCERNING ELMINATION OF UNAUTHORIZED GRAFFITI

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
HOBBS, NEW MEXICO THAT:

9.16.?????. Elimination of unauthorized graffiti.

An owner, occupant, or agent in charge of real or personal property shall have a duty to remove unauthorized graffiti.

A. Whenever the City becomes aware of the existence of graffiti on any real property, including structures, within the City and visible from the public right-of-way or City -owned land, the Code Enforcement Department shall give or cause to be given notice that the graffiti should be removed or effectively obscured, removal being either by the owner, occupant, or agent in charge of real or personal property or by the City or the City's agent. A reasonable, good faith effort shall be made to deliver the notice to the owner, occupant or agent in charge of the property. The owner, occupant or agent in charge of the property may cause the graffiti to be removed or completely obliterated; if this is the intent, they should advise the Code Enforcement Department within 10 days from the date the notice is delivered that the owner, occupant or agent will remove the graffiti within 30 days. Also, within 10 days from the date the notice is delivered, the owner, occupant or agent may advise the Department that the marking identified was authorized by the owner or person in charge of the property and thus is not graffiti as herein defined; the City will then not require removal.

B. If the owner, occupant or agent in control of the property does not notify the Code Enforcement Department that they will remove the graffiti or alternatively that it is not graffiti because the installation was authorized as provided in (A) of this section, it will be deemed consent for the City to enter the property and remove or completely obliterate the graffiti. If practicable, the City will secure written consent of the property owner or person in control of the property in advance of entry onto property for graffiti removal purposes and will remove or obliterate graffiti as public monies become available. The City will make a good faith effort to use a color similar to that of the structure affected.

C. The Code Enforcement Department is authorized to use City employees, contractors, volunteers, individuals convicted of criminal charges or county jail inmates who have been duly made available for such graffiti removal work.

Copies of the proposed ordinance in its entirety are available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico, and also available online at www.hobbsnm.org.

/s/ Jan Fletcher
City Clerk