

## TOWNSHIP OF EVESHAM

### ORDINANCE 25-6-98

#### AMENDING THE CODE OF THE TOWNSHIP OF EVESHAM BY SUPPLEMENTING CHAPTER 87 ENTITLED: "GRAFFITI"

WHEREAS, the Township Council of the Township of Evesham feels it is in the best interest and safety of the residents of the Township to create a fund for the remediation of graffiti.

BE IT ORDAINED by the Township Council of the Township of Evesham in the County of Burlington and State of New Jersey, that the Code of the Township of Evesham is hereby amended by supplementing Chapter 87, entitled: "Graffiti" by designating the existing paragraph as "A" and adding §87-3.B, and adding a new §87-5, as follows:

#### Section One: §87-3. Violations and penalties; restoration; trust account.

- A. Any person who violates the provisions of this chapter shall, upon conviction thereof, be subject to imprisonment not to exceed ninety (90) days or to a fine not to exceed one thousand dollars (\$1,000.). As a condition of sentencing, the Municipal Court shall have the authority to order that the offender be responsible for cleaning, repairing, painting or otherwise restoring the damaged property to the condition it was in prior to being damaged, provided that a determination is made that any restoration efforts made by the offender shall not subject the offender to unreasonable risk of death or serious physical injury or otherwise be in violation of law. In the event that the offender is unable for any reason to comply with the above, the Municipal Court shall have the authority to order that said offender make full monetary restitution to restore the property to its original undamaged condition. The Municipal Court shall have the full discretion to set the terms of restitution.
- B. A Graffiti Trust Account maintained by the Township specifically for the remediation of Graffiti on public property within the Township is hereby created. The Township Council and Township Manager shall control the allocation of the funds in the Graffiti Trust Account for the remediation of Graffiti within the Township, which shall include cleaning, repairing, painting or otherwise restoring the damaged public property to the condition it was in prior to any remediation. Any remediation of public property subjected to graffiti may be funded by the Graffiti Trust Account at the discretion of the

Township Council and Township Manager. Any person who violates the provisions of this chapter shall, upon conviction thereof, be subject to a mandatory fine of fifty dollars (\$50) to be paid to the Graffiti Trust Account.

- C. Any private property that has been subjected to graffiti shall not be eligible for the Graffiti Trust Account. Such private property owner or tenant must remediate their property within 30 days of the initial discovery of the graffiti. Any private property owner or tenant failing to remediate its property within 30 days shall be in violation of this ordinance and shall be subject to a mandatory fine of fifty dollars (\$50) to be paid to the Graffiti Trust Account. Any private property subject to this provision shall be entitled to full restitution for graffiti clean-up in the event the offender is apprehended and convicted.

**Section Two: §87-5. Reporting.**

The Township Manager shall report annually to the Township Council on the status of the Graffiti Trust Account. At the very least, such report shall include the amount currently in the fund, and the amount allocated to graffiti remediation over the past year.


**Section Three:** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency only.

**Section Four:** This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.

revised 6/11/98  
& 6/18/98

Adopted on second and final reading on

August 4, 1998

  
Mayor

Attest Carmela Bonfrisco  
Deputy Clerk