

**TOWNSHIP OF SADDLE BROOK
COUNTY OF BERGEN
ORDINANCE NO. 1804-26**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 103 OF THE CODE OF THE
TOWNSHIP OF SADDLE BROOK ENTITLED “GRAFFITI”.**

BE IT ENACTED AND ORDAINED, by the Township Council of the Township of Saddle Brook that Chapter 103 of the Township Code entitled “Graffiti” be deleted in its entirety and replaced with the following.

Chapter 103. GRAFFITI

Article 1. Findings and Purpose.

A. **Legislative Findings.** The Township Council of the Township of Saddle Brook ("Township") hereby finds and declares as follows:

1. **Community Aesthetic Interest.** Graffiti on public and private property creates visual blight, diminishes the aesthetic character of the Township, and adversely affects property values and the quality of life for residents, businesses, and visitors.
2. **Public Safety Concerns.** Graffiti is frequently associated with gang activity, territorial markings, vandalism, and other criminal conduct, creating an environment that threatens public safety and the perception of community order.
3. **Economic Impact.** The presence of graffiti imposes substantial costs on property owners, businesses, and the Township through the expense of removal, cleanup, and damage repair, and discourages economic development and investment.
4. **Proliferation Risk.** Graffiti that remains visible encourages additional acts of graffiti and related vandalism, creating a cycle of deterioration that is difficult to reverse without proactive regulation.
5. **Governmental Interest in Regulation.** The Township has a compelling governmental interest in preserving community aesthetics, protecting property values, promoting public safety, and preventing the spread of graffiti-related harm, regardless of whether individual property owners consent to graffiti on their premises.
6. **Content-Neutral Regulation.** This Ordinance regulates graffiti based on the manner of its application and its visual impact, without regard to the message, subject matter, or viewpoint expressed, and is designed to serve legitimate governmental interests unrelated to the suppression of free expression.

B. Purpose. The purpose of this Ordinance is to:

1. Prohibit the unauthorized application of graffiti on public and private property within the Township.
2. Establish clear definitions, standards, and exceptions to ensure fair and consistent enforcement.
3. Provide enforcement mechanisms, notice procedures, and remedies to prevent and abate graffiti.

4. Impose penalties and cost recovery measures to deter violations and compensate the Township and property owners for abatement expenses.

5. Protect lawful expressive activities, including permitted signs, murals, and artwork authorized by property owners or approved by the Township.

C. Authority. This Ordinance is adopted pursuant to the general police powers granted to municipalities under the laws of the State of New Jersey, including but not limited to N.J.S.A. 40:48-1 and N.J.S.A. 40:48-2, which authorize municipalities to enact ordinances for the protection of persons and property and the preservation of the public health, safety, and general welfare.

ARTICLE 2 — DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below. Capitalized terms used but not defined herein shall have their ordinary meaning under applicable law.

Graffiti. Any inscription, word, figure, painting, drawing, marking, etching, scratching, staining, or other defacement, however made or applied, upon any surface of public or private property, including but not limited to buildings, structures, fixtures, walls, fences, gates, signs, vehicles, bridges, overpasses, sidewalks, pavement, utility poles, trees, rocks, or other real or personal property, where such marking is visible from any public right-of-way, public property, or adjoining private property. "Graffiti" includes markings made by paint, ink, chalk, dye, etching tool, spray device, marker, or any other instrument or substance capable of leaving a visible mark not authorized by the Governing Body or its designee.

Graffiti Implement. Any aerosol paint container, paint stick, grease stick, marker pen, etching tool, brush, roller, or other device, instrument, or substance capable of creating graffiti as defined in this Ordinance.

Minor. Any person under eighteen (18) years of age.

Owner. Any person, firm, corporation, partnership, association, trust, estate, or other legal entity having legal title to, or sufficient proprietary interest in, real or personal property, including but not limited to lessees, tenants, occupants, and agents in control of property.

Person. Any natural individual, firm, corporation, partnership, association, trust, estate, or other legal entity.

Private Property. All real and personal property within the Township that is not owned, leased, or controlled by a governmental entity.

Property Owner Consent. Written authorization from an owner of property, or the owner's authorized agent, expressly permitting the application of a specific inscription, marking, or artwork on a designated portion of the owner's property. For purposes of this Ordinance, property owner consent does not exempt graffiti from regulation under this Ordinance except as expressly provided in Article 4.

Public Property. All real and personal property owned, leased, or controlled by the Township of Saddle Brook, the County of Bergen, the State of New Jersey, or any other governmental entity, including but not limited to streets, sidewalks, public buildings, parks, recreational facilities, public rights-of-way, and public utility infrastructure.

Township. The Township of Saddle Brook, County of Bergen, State of New Jersey.

ARTICLE 3 — SUBSTANTIVE PROHIBITIONS

- A. **Prohibition on Application of Graffiti.** No person shall apply, cause to be applied, or participate in the application of graffiti on any public or private property within the Township without lawful authorization as provided in Article 4 of this Ordinance.
- B. **Prohibition Applies Regardless of Property Owner Consent.** The prohibition set forth in Section I of this Article applies to all graffiti, whether or not the owner of the property on which the graffiti is applied has consented to such application. Property owner consent does not constitute a defense to a violation of this Ordinance unless the graffiti qualifies for an exception under Article 4.
- C. **Prohibition on Possession of Graffiti Implements by Minors with Intent.** No minor shall possess any graffiti implement in any public place, public property, or private property accessible to the public with the intent to violate Section I of this Article. Possession of a graffiti implement by a minor in a public place or on property accessible to the public, together with other evidence of intent to apply graffiti unlawfully, shall constitute prima facie evidence of a violation of this Section.
- D. **Aiding and Abetting.** No person shall knowingly assist, encourage, or facilitate another person in the commission of a violation of this Article.

ARTICLE 4 — EXCEPTIONS

The prohibitions set forth in Article 3 shall not apply to the following:

- A. **Lawfully Permitted Signs.** Signs that are lawfully erected, maintained, and displayed in accordance with the Township's sign regulations as set forth in Chapter 206, Article XIII, including temporary and permanent signs for which all required permits have been obtained.
- B. **Murals and Artwork Approved by the Township.** Murals, artwork, or decorative inscriptions on private property that have received prior written approval from the Township Council and/or its designee, in accordance with procedures established by the Township, provided that such approval is obtained before the mural or artwork is applied.
- C. **Murals and Artwork on Private Property with Owner Authorization and Compliance.** Murals, artwork, or decorative inscriptions on private property where:
 - 1. The property owner has provided written consent for the specific mural, artwork, or inscription;
 - 2. The mural, artwork, or inscription complies with all applicable Township ordinances, including zoning, sign, and land use regulations;
 - 3. The mural, artwork, or inscription is not visible from any public right-of-way or public property, or, if visible, has received prior written approval from the Township Council; and
 - 4. The mural, artwork, or inscription does not constitute a public nuisance or violate any other provision of the Township Code.
- D. **Temporary Displays for Lawful Events.** Temporary markings, decorations, or inscriptions applied in connection with lawful community events, parades, festivals, or other public activities that have received prior written authorization from the Township and are removed within Five (5) business days hours following the conclusion of the event.

- E. **Government-Authorized Markings.** Markings applied by or at the direction of governmental entities for official purposes, including but not limited to utility markings, traffic control markings, construction markings, survey markings, and other markings required or authorized by law.
- F. **Memorial Plaques and Historical Markers.** Permanent memorial plaques, historical markers, cornerstones, building dedications, and similar inscriptions that are professionally installed and maintained in accordance with Township regulations.

ARTICLE 5 — ENFORCEMENT

- A. **Authorized Enforcement Officers.** This Ordinance shall be enforced by the Township's Code Enforcement Officer, Police Department, Zoning Officer, and such other officers or employees as may be designated by the Township Administrator or Township Council.
- B. **Investigation and Inspection.** Authorized enforcement officers may investigate complaints of violations of this Ordinance and may inspect property for graffiti visible from any public right-of-way, public property, or adjoining property, consistent with applicable constitutional and statutory limitations.
- C. **Issuance of Summons or Complaint.** Upon determining that a violation of this Ordinance has occurred, an authorized enforcement officer may issue a summons or complaint requiring the alleged violator to appear before the Municipal Court of the Township of Saddle Brook or such other court of competent jurisdiction.
- D. **Coordination with Law Enforcement.** Enforcement officers shall coordinate with the Township Police Department and other law enforcement agencies as appropriate to investigate and prosecute violations, particularly those involving minors, repeat offenders, or graffiti associated with criminal activity.

ARTICLE 6 — NOTICE AND ABATEMENT

- A. **Notice to Property Owner.** When graffiti is discovered on private property, the Township shall provide written notice to the property owner by personal service, certified mail return receipt requested, or regular mail to the address listed on the Township's tax records, directing the owner to remove or abate the graffiti within Ten (10) days from the date of the notice.
- B. **Content of Notice.** The notice shall include:
 - 1. The address or description of the property on which graffiti is located;
 - 2. A description of the graffiti requiring removal;
 - 3. The deadline for removal or abatement;
 - 4. A statement that failure to remove the graffiti within the specified time may result in removal by the Township and the imposition of costs, fines, penalties, and liens against the property; and
 - 5. Information regarding the property owner's right to request an extension or contest the notice.

- C. **Extension of Time.** A property owner may request a reasonable extension of the abatement deadline by submitting a written request to the Township Administrator demonstrating good cause. The Township may grant an extension of up to ten (10) calendar days upon a showing of good cause.
- D. **Township Abatement.** If the property owner fails to remove or abate the graffiti within the time specified in the notice, or any approved extension, the Township may enter upon the property and remove or abate the graffiti. The Township shall make reasonable efforts to use removal methods that minimize damage to the underlying surface.
- E. **Emergency Abatement.** Notwithstanding the notice requirements of this Article, the Township may immediately remove graffiti from public property or private property visible from public property without prior notice if the graffiti contains obscene language, hate speech, gang symbols, or other content that presents an immediate threat to public safety or welfare, or if the graffiti is located on a Township-owned or Township-controlled structure or facility.
- F. **No Liability for Damage.** The Township shall not be liable for any damage to property resulting from the removal of graffiti pursuant to this Article, provided that the Township uses reasonable care and appropriate removal methods.

ARTICLE 7 — PENALTIES

- A. **Violations and Penalties.** Any person who violates any provision of this Ordinance shall, upon conviction, be subject to the following penalties:
 - 1. **First Offense.** A fine of not less than \$250 and not more than \$500, or community service of not less than 20 hours and not more than 40 hours, or both, in the discretion of the court.
 - 2. **Second Offense.** A fine of not less than \$500 and not more than \$1,000, or community service of not less than 40 hours and not more than 80 hours, or both, in the discretion of the court.
 - 3. **Third and Subsequent Offenses.** A fine of not less than \$1,000 and not more than \$2,000, or imprisonment in the county jail for a period not to exceed 90 days, or community service of not less than 80 hours and not more than 120 hours, or any combination thereof, in the discretion of the court.
- B. **Each Day a Separate Violation.** Each day that a violation of this Ordinance continues shall constitute a separate and distinct offense.
- C. **Parental Liability for Minors.** The parent, guardian, or legal custodian of any minor who violates this Ordinance shall be jointly and severally liable with the minor for any fines, costs, restitution, or other penalties imposed, to the extent permitted by law.
- D. **Community Service.** Community service imposed pursuant to this Article may include, but is not limited to, graffiti removal, cleanup of public property, participation in anti-graffiti education programs, or other service as directed by the court.

ARTICLE 8 — COST RECOVERY AND MUNICIPAL LIEN

- A. **Cost Recovery from Violators.** Any person who violates this Ordinance by applying graffiti shall be liable to the Township and to any affected property owner for the full cost of removal, abatement, cleanup, and restoration, including but not limited to labor, materials, equipment, and administrative expenses.
- B. **Cost Recovery from Property Owners.** When the Township removes or abates graffiti from private property pursuant to Article 6, the property owner shall be liable to the Township for the actual and reasonable costs of removal, abatement, and any related administrative expenses.
- C. **Billing and Payment.** The Township shall bill the responsible person or property owner for all costs incurred. Payment shall be due within 30 days from the date of the billing statement.
- D. **Municipal Lien.** If costs assessed under this Article remain unpaid for Forty-Five (45) days after billing, the Township may file a municipal lien against the property on which the graffiti was removed, in accordance with N.J.S.A. 40:48-2.12s or other applicable law. The lien shall constitute a first lien on the property and may be enforced in the same manner as property tax liens.
- E. **Restitution.** In addition to any penalties imposed pursuant to Article 7, the court may order any person convicted of a violation of this Ordinance to pay restitution to the Township or to affected property owners in an amount equal to the cost of removal, abatement, and restoration.

ARTICLE 9 — SEVERABILITY

- 1. **Severability of Provisions.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Township Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

ARTICLE 10 — REPEAL OF INCONSISTENT ORDINANCES

- 1. **Repeal.** All ordinances or parts of ordinances of the Township of Saddle Brook that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency, including but not limited to any prior graffiti-related ordinances".
- 2. **Preservation of Prior Violations.** The repeal of any ordinance or part thereof pursuant to this Article shall not affect any penalty, forfeiture, or liability incurred under such ordinance prior to the effective date of this Ordinance, nor shall it affect any prosecution, suit, or proceeding pending at the time of such repeal.

ARTICLE 11 — EFFECTIVE DATE

1. **Effective Date.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.
2. **Publication.** This Ordinance shall be published in accordance with N.J.S.A. 40:49-2 or other applicable law governing publication of municipal ordinances.

Approved:

TOWNSHIP OF SADDLE BROOK

ATTEST:

Frank Barrale, RMC
Township Clerk

Andrew M. Cimiluca, Council President

Robert D. White, Mayor

Introduced: August 20, 2026

Adopted: