

- **14.70.100 - Graffiti and related vandalism.**

A.

*Purpose and intent.* It is the purpose and intent of this section to prevent graffiti and to promote its eradication, and to prevent related vandalism, as graffiti and related vandalism adversely affects property, both public and private. It is the further intent of this section to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by graffiti and graffiti-related vandalism.

B.

*Definitions.* For the purpose of this section, the following definitions shall apply:

1.

*Aerosol paint container* means any canister, can, bottle, container or other receptacle which contains any substance commonly known as paint, stain, dye or other pigmented substance which is or can be modified to contain pressure, or be pressurized, in order to impel or propel any such substance.

2.

*Graffiti* means any inscription, symbol, design or configuration of letters or numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.

3.

*Graffiti implement* means any implement capable of marking a surface to create graffiti, including but not limited to aerosol paint containers, markers and gum labels.

4.

*Gum label* means any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.

5.

*Marker* means any indelible or permanent marker, or similar implement containing an ink that is not water soluble.

C.

*Prohibition of graffiti.* It is unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti on any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.

D.

*Possession of graffiti implements.* It is unlawful for any person to intentionally or knowingly possess any graffitiimplement while on public or private property without the express consent of the owner of such property, in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of property in the vicinity. Among the circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted, is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify oneself, or manifestly endeavors to conceal oneself or the graffitiimplement. Prior to any citation being issued to a person for a violation of this subsection, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting such person to identify themselves and explain the person's presence and conduct.

E.

*Parental civil liability.* Any act in violation of subsection C. or D. of this section committed by a minor under the age of 18 years shall be imputed to that minor's parent or legal guardian. A parent or legal guardian of a minor who violates subsection C. or D. of this section shall be liable for the payment of any civil fine and the expense of restoration as set forth in subsection F. of this section.

F.

*Penalty.* Violators shall be ordered to remove the graffiti, or if it has already been removed, repay the property owner, the municipality, or the graffiti busters program the costs of such removal including labor costs. Failure to comply with ordered

removal or payment of costs shall create a cause of action that can be enforced in a civil suit. Any person who commits a violation of subsection C. or D. of this section shall be punished by a fine of not more than \$100.00 for each offense.

G.

*Civil remedies.* In addition to other penalty provisions of this section, any person, including the municipality, may seek appropriate injunctive relief for the enforcement of this section, its penalties and remedial provisions, including but not limited to actions for abatement, prevention of violations, and enforcement of all remedial and preventive provisions of this section as may be appropriate; and

H.

Graffiti on any public or private property visible from any public right-of-way, including but not limited to any street, highway, road, alley or walkway, is declared a public nuisance. The municipality may give notice to the property owner requesting the owner to remove or cause to be removed such graffiti.

I.

*Anti-graffiti trust fund.* There is hereby created the municipal anti-graffiti trust fund. All civil fines paid by violators of this section and ultimately received by the municipality shall be placed in the fund. The fund may also receive monetary donations from citizens, businesses and other organizations. The mayor, or designee, shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of rewards under subsection J. of this section and restoration costs.

J.

*Reward for providing information.* Any person who shall provide information which leads to the adjudication of a violator of subsection C. of this section, is entitled to receive from the municipality a monetary reward of up to \$500.00. The mayor, or a designee, shall determine the actual amount of reward and whether a particular reward shall be divided among persons based on the information provided and the number of persons providing the information. In no event shall the total reward relating to a particular violation exceed \$500.00.

(AO No. 94-134(S), § 1, 9-8-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, § 32, 6-21-14)