

## CHAPTER 4. GRAFFITI

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### 11-4-1. Legislative determination.

The city council hereby declares as a matter of legislative determination that:

(1) The increasing incidents of the defacement of public and private property through the application of graffiti upon walls, rocks, bridges, buildings, fences, gates, other structures, trees and other real and personal property within the corporate boundaries of the city constitutes a blight on this community, and, in the interests of the health, safety and general welfare of the residents and taxpayers of the city, immediate steps must be taken to remove this blight.

(2) Based upon reports which the city council has received, such defacement of property is most often committed by persons under the age of eighteen years using aerosol containers of spray paint, broad tipped indelible markers.

(3) When any such person has a legitimate need for such aerosol containers and markers, the same may be furnished by a parent or guardian.

(4) Such aerosol containers and markers are frequently stolen from retail stores by such persons.

(5) The sale of such aerosol containers and markers to such persons should therefore be prohibited, and persons who are engaged in the retail sale of such aerosol containers and markers should be required to take reasonable steps to prevent the theft of such aerosol containers and markers.

(6) When appropriate, the courts should require those who commit acts of defacement of public or private property through the application of graffiti to restore the property so defaced, damaged or destroyed.

(7) Obtaining convictions for the application of graffiti is difficult due to the fact that the offense can be committed so very quickly and secretly that witnesses to the act are frequently nonexistent.

(8) The public should be encouraged, through the promise of a reward, to cooperate in the elimination of graffiti by reporting to the proper authorities the incidents of the application of graffiti which the members thereof observe.

### 11-4-2. Definitions.

As used in this chapter and except as otherwise required by the context:

(1) "Application of graffiti" means the act of defacing, damaging or destroying any real or personal

property of another through the use of an aerosol container of spray paint or a broad tipped indelible marker.

(2) "Broad tipped indelible marker" means any felt tipped marker or similar implement which contains a fluid which is not soluble in water and has a flat or angled writing surface of a width of one-half inch or greater.

### 11-4-3. Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as graffiti without the permission of the owner or operator of such property.

### 11-4-4. Spray paint and markers - Sale to minors prohibited.

It shall be unlawful for any person to sell, offer to sell or to cause to be sold any aerosol container of spray paint or broad tipped indelible marker to any person under the age of eighteen years.

### 11-4-5. Spray paint and markers - Prohibited possession.

(1) It shall be unlawful for any person under the age of 18 years to purchase or possess any aerosol container of spray paint or broad tipped indelible marker unless accompanied by a parent or guardian, or while involved in an activity sponsored by a school, church or community.

(2) It is unlawful for any person under the age of 18 years to misrepresent his age, or for any other person to misrepresent the age of a person under 18 years of age for the purpose of purchasing or otherwise obtaining aerosol spray paint or broad tipped indelible markers for a person under 18 years of age.

### 11-4-6. Penalty.

Any person who is convicted of violating any provision of this Chapter shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for a term of not less than six months, or by any combination of such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

### 11-4-7. Reward for information leading to arrest of perpetrator.

(1) The city will pay to any person who provides information which leads to the arrest and conviction of any person who applies any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" to any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property a reward in the amount of \$250.00.

(2) The reward shall be paid to the person who provides such information immediately upon the conviction of the person so arrested.