

## ANTI-GRAFFITI ORDINANCE

WHEREAS, the Board of Aldermen of the City of Shelton is enacting this Ordinance to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The Board of Aldermen is authorized to enact this Ordinance pursuant to the Charter of the City of Shelton and Connecticut General Statutes §7-148; and

WHEREAS, the Board of Aldermen finds the graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the City of Shelton acts to remove graffiti from public and private property, the graffiti remains and continues to be injurious to the public health, welfare and safety of the City. Other properties will then become the target of graffiti and entire neighborhoods will be affected and become less desirable places in which to be, all to the detriment of the City of Shelton; and

WHEREAS, the Board of Aldermen tends to the adoption of this Ordinance to provide additional enforcement tools to protect public and private property from acts of graffiti, vandalism and defacement. The Board of Aldermen does not intend for this Ordinance to conflict with any existing anti-graffiti laws promulgated by the State of Connecticut.

### A. Definitions.

**Graffiti** means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance.

**Graffiti implement** means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

### B. Prohibited Acts.

(1) **Defacement.** It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any city-owned property or, without the permission of the owner or occupant, on any non-city owned property.

### **Possession of Graffiti Implements.**

(a) **By Minors at or Near School Facilities.** It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this Section shall not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers.

(b) **In Designated Public Places.** It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, , recreational facility, or other public building or structure owned or operated by the City or while in or within fifty (50) feet of an underpass, bridge abutment, storm drain or similar types of infrastructure unless otherwise authorized by the City.

### C. **Enforcement.**

(i) Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours notice by the City or by the owner of the property involved. The City of Shelton Police Department shall be notified and such removal shall be accomplished in the manner directed by the City of Shelton Police Department. Failure to comply with any such demand shall constitute an additional violation of this Ordinance.

(ii) **Property Owner Responsibility.** If graffiti is not removed by the perpetrator according to the Section above, graffiti shall be removed pursuant to the following provisions:

It is unlawful for any person who is the owner or who has primary responsibility for control of property or for the repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following:

(1) The street address and legal description of the property sufficient for identification of the property;

- (2) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;
- (3) A statement that the graffiti must be removed with ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance and the City shall have the right to remove the public nuisance at the cost and expense of the property owner.

(iii) **Right of City to Remove.**

(a) **Use of Public Funds.** Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located.

(b) **Right of Entry on Private Property.** Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Ordinance, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence abatement and cost recovery proceedings for the graffiti removal.

- D. **Prohibition of Spray Paint to Minors.** It shall be unlawful for any person other than a parent or legal guardian, within the city limits of Shelton, to sell, exchange, give, loan or otherwise furnish any aerosol point container, broad tipped marker or paint stick, spray paint cans to any individual under the age of 18 years of age without the written consent of the parent or guardian the person. Merchants shall be required to view photo identification from the purchaser of proof of age. The illegal sale of spray paint cans to minors, as well as the above-mentioned crimes, shall be investigated, catalogued and enforced by the Chief of Police and/or his designee and shall be a violation of this Section.
- E. **Penalties.** Any person violating this Ordinance shall be punished by a fine of two hundred and fifty (\$250.00) dollars.

In addition to any punishment specified in this Section the violator shall make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court.

**NOTE:**

The City has specific powers to abate nuisance under §7-148 of the Connecticut General Statutes:

- (7) (A) Establish building set back lines, including signs (v)
  - Over sidewalks (vi)
- (E) Definition of nuisance, very broad
- (H) Public Health & Safety
  - Regulate and prohibit unreasonable annoyance (ii)
  - Regulate public grounds for public and private purposes (xii)
  - Make and enforce regulations to protect and promote safety (xiii)

A copy of above referenced section is attached.