

CO

GENERAL FILE NO.

CALENDAR NO.

SESSIONS 2008

ORDINANCE GENERAL FILE NO.

"AN ORDINANCE OF THE CITY OF BRADFORD, MCKEAN COUNTY, PENNSYLVANIA, PROVIDING FOR GRAFFITI".

§ -1. Findings.

Graffiti is a symbol of blight that reduces property values and inhibits economic growth. Graffiti encourages further acts of vandalism and crime. The use of aerosol paint containers to write or place graffiti on the walls or other available spaces on public or private buildings, vehicles, areas or facilities causes serious defacement of such buildings, vehicles and areas, public and private, and contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful graffiti on, with defacement of, public and private property, and it constitutes a deleterious practice contrary to the public health and welfare. In addition, such contempt for the property rights of private citizens, as well as public facilities, contributes to the erosion of law and order and contributes to the deterioration in the quality of life of the community and must be opposed and punished.

§ -2. Definitions.

For the purposes of this chapter, the following definitions shall apply:

**GRAFFITI** – Includes any and all unsightly, offensive or defacing writings, drawings, markings or other written or pictorial matter by any method or device and of any content which contributes to the defacement of the real or personal property involved and which contributes to the ugliness and unsightliness of the object, space, area or community and which is detrimental to the beauty, neatness and good order of the area and community. This chapter shall not be construed to prohibit easily removable chalk markings on the public sidewalks and streets used in connection with traditional children's games.

**MINOR** – Any person under the age of 18 years.

PERSON – Includes associations, businesses, clubs, corporations, firms, partnerships and bodies politic, as well as all individuals.

PROPERTY – Any public or private property in the City of Bradford.

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 pressurizing in order to impel or propel any such substance.

**§ -3. Defacement of property prohibited.**

No person shall write, print or place with ink, paint, chalk or other substances graffiti on the real or personal property of another, whether said personal or real property be publicly or privately owned.

**§ -4. Possession of graffiti instruments.**

No minor shall have in his or her possession any aerosol paint container while on any public property, highway, street, alley, sidewalk or park, or while on any private property without the consent of the respective 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 him or herself or manifestly endeavors to conceal him or herself or the graffiti tool. Prior to any citation being issued to a person for violation of this chapter, 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 him or her to identify himself or herself and explain his or her presence and conduct.

**§ -5. Parental responsibility.**

It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this chapter, as herein defined, either by words, overt act or by failing to act.

**§ -6. Accessories to prohibited acts.**

All persons directly or indirectly involved shall be equally responsible and guilty, not alone the individual who may personally deface the object or area; but others in a group who knowingly make available the tools, writing material, ladders, lookout, materials or assistance or who knowingly supply funds to acquire such

materials for such purposes shall be equally guilty and liable to punishment under this chapter.

**§ -7. Violations and penalties.**

A. Any person who or which will violate any provision of this Article shall, upon his or her first conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred (\$300) and/or to imprisonment for a term not to exceed ninety (90) days.

B. Upon a conviction for the second time, the person shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) and/or to imprisonment for a term not to exceed ninety (90) days.

C. Upon a conviction for the third or greater time, the person shall be sentenced to pay a fine of three hundred dollars (\$300) and/or to imprisonment for a term not to exceed ninety (90) days.

D. Any person who violates this ordinance shall also be required, either severally, or jointly with others, to pay restitution to the victim(s).

**§ -8. Liability of property owners for removal; fine.**

Property owners shall be liable for removal of graffiti in the event that the person responsible for defacing the property cannot be determined. Upon proper notice by the duly authorized City official, the property owner shall remove or cause to be removed any and all such graffiti within the period hereinafter provided<sup>1</sup>. Failure to comply with this section shall result in the imposition of a fine of not less than \$100 nor more than \$300. In the event that the City shall cause to have the graffiti removed because the owner has not complied with an order to do so, the City may recover the costs of the same from the property owner.

**§ -9. Notice to remove.**

Upon discovery of graffiti, any authorized person shall issue written notice to the owner, occupant or other responsible agent of any premises whereon graffiti is present in violation of the provisions of this chapter, directing and requiring such person to remove such graffiti. In the event that graffiti is not removed within the applicable removal period from the date of mailing of this first notice, a second notice to remove and request for consent to allow the City to enter upon the

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<sup>1</sup>Between November 1 and April 30 the removal period is thirty (30) days. During all other periods, the removal period is fifteen (15) days.

property for the purpose of graffiti removal at the owner's expense shall be issued.

**§ -10. Sale of graffiti implements.**

Sale and display of graffiti implements; violations.

(1) No person shall sell, offer to sell or give aerosol spray paint to any person under the age of 18 years of age unless accompanied by an adult parent or guardian.

**§. -11. 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 city council, or their designee, shall direct the expenditure of monies in the fund.

**§ -12. Neighboring municipalities to adopt similar legislation.**

The administrative and legislative branches of this government shall endeavor to have the municipalities in close territorial proximity with the City of Bradford adopt legislation prohibiting the conduct as set forth by this chapter.

This Ordinance shall take effect upon final passage.

INTRODUCED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2008

FINALLY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2008

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor