

City of New Haven

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File Number: OR-08-0037

File Number: OR-08-0037	File Type: Ordinance	Status: First Reading
Version: 1	Reference: graffiti	Controlling Body: Board of Aldermen
Requester: Board of Aldermen	Cost:	Introduced: 10/23/2008
File Name: graffiti ordinance amendment		Final Action: 12/01/2008

Title: From Alderpersons Sturgis-Pascale and J. Rodriguez submitting an amendment to the ordinance amendment prohibiting graffiti as a public nuisance and blighting influence and banning sale of spray paint to minors by specifying penalties for such violations

Notes:

Code Sections:	Agenda Date: 10/23/2008
Indexes:	Agenda Number:
Sponsors:	Enactment Date:
Attachments: anti-graffitisubordinance.rtf	Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Aldermen	10/23/2008	Referred	Legislation Committee			
1	Legislation Committee	11/10/2008	Favorable Report	Board of Aldermen			
1	Legislation Committee	11/10/2008	Favorable Report	Board of Aldermen			
1	Board of Aldermen	11/17/2008	Noted				
1	Board of Aldermen	12/01/2008	Approved				Pass

Notes: Ordinance amendment enacted by a roll call vote of 24 "Ayes" and 1 "NO" (See roll call sheet attached to original submission).

Text of Legislative File OR-08-0037

..title

From Alderpersons Sturgis-Pascale and J. Rodriguez submitting an amendment to the ordinance amendment prohibiting graffiti as a public nuisance and blighting influence and banning sale of spray paint to minors by specifying penalties for such violations.

..body

WHEREAS: Graffiti is a public nuisance and blighting influence, which not only is a physical eyesore, it creates a demoralizing condition which tends to reduce the value of property, promote blight and criminal activity, and has proven to be injurious to the public health, welfare and safety; and

WHEREAS: we have recently seen an alarming surge in graffiti in many parts of the city, especially in the area running from the downtown blocks through Fair Haven and into Fair Haven Heights, which has been destructive to the quality of life for residents and businesses in those neighborhoods and proven very costly to remove and to track perpetrators, who target businesses in approximately 85 percent of the documented city incidents; and

WHEREAS: it is important to enact municipal legislation that aggressively targets this destructive behavior by explicitly forbidding individuals from affixing graffiti to any structure, building or property; prohibiting the sale of spray paint cans to minors; and requiring the appropriate city agency to develop and implement comprehensive anti-graffiti regulations to prevent unlawful graffiti and provide for its prompt removal, which is so critical to thwarting continued graffiti "tagging"; and

WHEREAS: it is hoped that such legislation will emphasize the criminal nature of graffiti, deter would-be perpetrators from gaining access to spray paint, and provide for the establishment of an effective municipal regulatory and enforcement framework to crack down on those who illegally deface private or public property, provide for immediate removal of the graffiti and develop an effective partnership between city agencies and the public, particularly the business community, in eradicating this menace which has such a corrosive effect on the appearance and morale of our neighborhoods.

NOW, THEREFORE, BE IT ORDAINED that the New Haven Code of Ordinances is amended as follows:

Add a new section:

CHAPTER ****Prohibiting Graffiti and Sale of Spray Paint to Minors, and Requiring the Livable City Initiative to Promote and Promulgate Regulations to Prevent Graffiti and Provide For Its Prompt Removal.

Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

ENFORCEMENT --All law enforcement officers of the City; the Mayor of the City and/or his designees; the Chief of the Police Department and/or his designees; and the Director of the Livable City Initiative and/or his designees.

GRAFFITI -Any inscription, word, figure, painting or other defacement that is 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. This Chapter shall not be construed to prohibit easily removable chalk markings on public sidewalks and streets used in connection with traditional children's games.

GRAFFITI IMPLEMENT -Any aerosol paint container, broad tipped indelible marker, gum label, paint stick or graffiti stick, etching equipment, brush or other device capable of scarring or leaving a visible mark on any natural or manmade surface.

INDELIBLE MARKER -Any felt tip marker, china marker or similar device that is not water soluble, which has a flat or angle writing surface of ½ inch or greater.

*** Graffiti restricted; penalty; violator responsible for restoration of property.

A. No person shall write, spray, scratch or otherwise affix graffiti upon any property, public or private, in which another has an interest and without the prior consent of such other person.

B. Any person violating any provision of this Chapter shall be cited for an infraction and fined in accordance with the General Statutes of the State, in addition to any criminal penalties which may be imposed pursuant to Chapter 952 of the General Statutes, as same may be amended from time to time.

C. When apprehended, the violator will be responsible for the cost of restoring the property to the condition it was in prior to the defacement.

*** Possession of Graffiti Implements in Designated Public Places. Penalty.

It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the City unless otherwise authorized by the City. The illegal possession of spray paint shall be punishable by a fine \$50.00 for the first offense, and an additional \$50.00 per offense thereafter to the maximum allowable under state statute (\$250).

*** Prohibition of Spray Paint to Minors. Prohibition of purchase of spray paint on behalf of minors. Penalty.

It shall be unlawful, within the city limits of New Haven, to sell spray paint cans to any individual under the age of 18 years of age. Merchants shall be required to view photo identification from the purchaser as proof of age. The illegal sale of spray paint cans to minors, or purchase of spray paint on behalf of a minor child, shall be punishable by a fine \$50.00 for the first offense, and an additional \$50.00 per offense thereafter to the maximum allowable under state statute (\$250). (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 designees.)

*** Develop and Implement Regulations to Prevent Graffiti and Provide for Prompt Removal.

The Director of the Livable City Initiative (LCI) and/or his designees shall develop, promote and promulgate regulations to prevent unlawful graffiti and provide for its prompt removal wherever it should be affixed, whether on public or private property. Under LCI's "Graffiti Program", these regulations shall specify the city agencies which will be assigned to affect the immediate removal of graffiti when it is affixed on various categories of structures within the city. The regulations will also detail the partnerships that will be promoted with the State of Connecticut, special services districts, commercial business owners and other important parties to help ensure the success of the citywide graffiti prevention and removal efforts, as well as with the Police Department, which is charged with pursuing all criminal aspects of graffiti violations. The regulations will also provide for the undertaking of broad-based city outreach efforts to the community to promote graffiti awareness, prevention techniques and an ongoing dialogue on this coordinated anti-graffiti effort.

***Annual Assessment and Reporting Requirement.

Six months after this ordinance takes effect, the Director of LCI and the Chief of Police shall be required to report back to the Board of Aldermen on the status and effectiveness of the city's new regulations implemented under the "Graffiti Program". As part of the report, the Police Department will provide data on number of graffiti incidents during this time period, statistics and insights into proliferation of graffiti, as well as number of arrests. LCI will incorporate the Police Department's data in presenting figures on number and type of graffiti incidents, as well as the scope and overall cost of the city's graffiti removal efforts in evaluating whether the new regulations and action plan have been successful in curbing graffiti and providing for its immediate removal where it has occurred.

