

ORDINANCE NO. 95 - 06 _____

**AN ORDINANCE RELATING TO THE CONTROL OF
GRAFFITI AND RELATED MATTERS WITHIN THE CITY OF
WENDOVER, TOOELE COUNTY, UTAH.**

RECITALS

The City Council of Wendover, Tooele County, Utah hereby declares and finds:

A. The increasing incidents of defacement of public and private property through the affixation 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 eradicate this problem.

B. Such defacement of property is most often committed by persons under the age of 18 using aerosol containers of spray paint, broad tipped indelible markers, drill bits, cutters and other such devices used to paint, write, spray, scratch, etch, affix or inscribe such characters, markings and messages.

C. Such aerosol containers, markers, tools and implements are frequently stolen from retail stores and markets by such persons.

D. The sale of aerosol containers, markers and other implements and tools should be prohibited by persons under the age of 18 unless in the presence of a parent or guardian for a legal

and lawful purpose.

E. Retailers and shop owners should take such reasonable steps to insure and prevent the theft of such aerosol containers, markers, tools and other such implements to be used from an unlawful proposes by persons under the age of 18 years.

F. When appropriate, the courts should require those individuals who commit acts of defacement, damage, graffiti and other etchings which create unsightly blight to public or private property, should restore the property so defaced, damaged or destroyed to its original state prior to said incidents and pay the costs for such clean up and restoration as required by law.

G. Since obtaining convictions from such acts is often difficult because the offense is usually committed quickly and secretively and witnesses are frequently nonexistent, citizens should be encouraged to report such activities to the local law enforcement agencies and authorities, and citizens should be rewarded for such reports and observations.

BE IT ORDAINED BY THE WENDOVER, UTAH CITY COUNCIL:

SECTION 1. ORDINANCE ENACTED. There is hereby enacted an ordinance governing graffiti and implements used to create graffiti, to read in its entirety as follows:

1-101.Definitions.

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

A. "Graffiti" is defined under Utah Code Annotated Section 78-11-20(2)(b) as any form of unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another regardless of the content or nature of the material used in the commission of the act.

B. "Application of graffiti" means the act of defacing, damaging or destroying any real or personal property of another through the use of aerosol containers of spray paint, broad tipped indelible markers, drill bits, tools, or other such implements.

C. "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 pointed, flat or angled writing surface of a width of three-eighths of an inch or greater.

1-102 Graffiti prohibited.

It shall be unlawful for any person to write, paint, draw, etch, deface, destroy, affix or inscribe upon any wall, rock, bridge, building (public or private), 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(s) or operator(s) of such property.

1-103 Spray Paint and Markers-Sale to Minors Prohibited.

A. It shall be unlawful for any retail operation to sell, offer to sell or cause to be sold any aerosol container of spray paint, indelible markers, drill bits and other such implements to any person under the age of 18 years unless accompanied by a parent or legal guardian for a legal and lawful purpose.

B. It shall be unlawful for any private party to sell, offer to sell or cause to be sold any aerosol container of spray paint, indelible markers, drill bits and other such implements to any person under the age of 18 years unless accompanied by a parent or legal guardian for a legal and lawful purpose.

1-104 Spray Paint and Markers-Prohibited Possession.

A. It shall be unlawful for any person under the age of 18 years to purchase, possess or utilize any aerosol container of spray paint, broad tipped indelible markers, drill bits, cutters and other such implements unless accompanied by a parent or legal guardian, or while involved in an activity sponsored by a school, religious organization, or community sponsored event.

B. It shall be unlawful for any person under the age of 18 years to misrepresent his/her age, or for any other person to misrepresent the age of a person under 18 years of age for the purpose of purchasing or obtaining aerosol spray paint containers, indelible markers, drill bits, cutters and other such implements for a person who is under the age of 18 years.

1-105 Penalty.

Any person who is convicted of violating any provision of this ordinance shall be guilty of a class B misdemeanor. In addition to any punishment allowed by law, the court at its discretion may impose sentence, order the defendant to restore the property so defaced, destroyed or damage to its original condition prior to the incident.

1-106 Reward for Information Leading to the Arrest and Conviction of the Perpetrator(s).

A. The city will pay to any person who provides information leading to the arrest and conviction of any individual(s) who apply any drawing, inscription, figure or marks to any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property a reward in the amount of \$ 50⁰⁰.

B. The reward shall be paid to the person who provides such information only upon the conviction of the perpetrator(s).

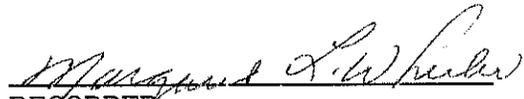
SECTION NO. 2. Severability Clause. The provisions of this Ordinance and all regulations thereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

SECTION 3. Effective Date-- Emergency. The City Council finds that an emergency exists, making it necessary and desirable to make this ordinance effective immediately. Accordingly, this ordinance shall be effective upon signing by the Mayor and posting in 3 public places within the City.

Passed and adopted by the Wendover City Council this 4 day of October, 1995.


MAYOR

ATTEST:


RECORDER

wendover/ordinances/graffiti