

Penalties

and rewards

Penalties

Any person who violates the graffiti ordinance is subject to a fine of \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense, or by a jail term not to exceed one year, or by both fine and imprisonment at the discretion of the court. Community service time can be imposed in lieu of or in combination with monetary penalties and/or jail time.

Anti-Graffiti Funds and Donations

Monetary penalties assessed against violators of the ordinance, as well as community donations for graffiti prevention and mitigation, will be placed in an "Anti-Graffiti Account." This account will be used to pay the cost of removing graffiti and administering the ordinance. In-kind donations to aid in graffiti cleanup efforts are also accepted and appreciated.

Rewards and Reimbursements

The city may offer a reward for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the city for any reward paid.

Information and Resources

The full text of the graffiti code can be viewed in Section 6-1-28 of the City of Montrose Municipal Code. A printed version of the Municipal Code is available at the City Clerk's office at City Hall or can be viewed from the Document Center at www.cityofmontrose.org.

The city's graffiti prevention efforts are a product of the Montrose Police Department's Community Policing Program. If you would like further information about this program, contact the community services sergeant at 252-5225.



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Quality of Life is Our Commitment.

Business Owner's Guide to the City of Montrose Graffiti Ordinance



*Quality of Life is Our
Commitment.*

It takes cooperation to **Stop Graffiti**

Graffiti is a public nuisance that diminishes the rights and values of property owners and the entire community. To address the problem, the Montrose City Council approved an ordinance that added a new "Graffiti" section to the city's Municipal Code. Section 6-1-28 provides new enforcement and prevention tools to protect public and private property from acts of graffiti vandalism and defacement.

Successful mitigation of graffiti requires the cooperation and involvement of many segments of the community, including businesses, property owners, parents, and children. This document is provided to help you become familiar with some of the basic provisions of the city's graffiti ordinance so that you are equipped to play your part.

Definitions

Following are some important definitions contained in the ordinance that pertain to retailers:

Aerosol paint container - Any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

Broad-tipped marker - Any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than 1/4th of an inch, containing ink or other pigmented liquid that is not water soluble.

Etching equipment - Any tool, device, or substance that can be used to make permanent marks on any natural or manmade surface.

Graffiti implement - 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 man-made surface.

Paint stick or graffiti stick - Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least 1/8th of an inch in width.

Person - Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

New responsibilities for **Retailers**

Limit Access

Retailers are now required to limit access to graffiti implements. It is unlawful for "any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish...any aerosol paint container, broad-tipped marker, or paint stick to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person.

Post Signs

Retail businesses are required to place a sign in clear public view, at or near the display of potential graffiti implements, that states:

Graffiti is against the law.

Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by imprisonment of up to one year and/or a fine up to \$1,000.00

Businesses must post an additional sign in the direct view of persons responsible for accepting customer payment for graffiti implements. The sign must state:

Notice

Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 years of age is against the law and punishable by a fine of \$1,000.00

The required signs are available, free of charge, at City Hall to business owners who request them.

If you become a **Victim**

One of the best deterrents to graffiti is to remove it quickly, thereby discouraging further vandalism. If your place of business becomes a victim of graffiti vandalism, it is important for you to be aware of new requirements for removing graffiti. Under the ordinance it is the duty of property owners and tenants to keep their property clear of graffiti at all times.

If the perpetrator of graffiti vandalism is caught, they will be required to remove or pay to remove the graffiti. The parent or legal guardian of unemancipated minors will be held responsible, along with their child, for removing the graffiti.

The city has the right to remove graffiti when it is not removed by the perpetrator and it is determined that the graffiti is located on public or private property where it is viewable from a public or quasi-public place. In such cases, the city will limit its cleanup to the area where the graffiti is located, unless otherwise authorized. Prior to undertaking any cleanup activities, the city will attempt to secure the consent of the property owner or responsible party. However, if the graffiti is not removed within the time specified by the ordinance, or if consent is denied, the city will begin abatement and cost recovery efforts.



Volunteer cleanup efforts make a difference in combating graffiti.

Prevent Graffiti

The graffiti ordinance also includes provisions to encourage property owners to incorporate graffiti prevention and mitigation into building designs. These design measures include the use of a protective coating to enable quick and effective removal of graffiti, installation of additional lighting, use of non solid fencing, use of landscaping designed to cover large expansive walls, and use of architectural design to break up long, continuous walls or solid areas.