

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-69. Graffiti implements; possession and sale.

(a) The Mayor and Council of the City of Peoria find that:

(1) There is widespread use of graffiti implements in the permanent defacement of public and private property within the City and that this defacement has become a serious problem; and

(2) The defacement of public and private property has contributed to the development of blight and degradation of neighborhoods and other public places; and

(3) Graffiti is typically applied to public and private property by means of use of graffiti implements which are widely available to persons of all ages in hardware and department stores, supermarkets and similar establishments within the city; and

(4) The easy application and ready accessibility to graffiti implements facilitate their use and hinders enforcement agencies from preventing persons from defacing public and private property and apprehending those committing the offensive conduct; and

(5) The cost of removing such graffiti has become a substantial financial burden to the owners of private property within the city and to the city, requiring the devotion of public funds which could be devoted to other purposes.

(6) That to avoid further blight, graffiti must be promptly removed, and if not promptly removed becomes an eyesore to the community and erodes efforts to improve the quality of life within the city.

(7) A substantial portion of the defacement of public and private property has been caused by minors using graffiti implements.

(b) Any parent, guardian or other person above the age of eighteen (18) years having legal custody of a minor who knowingly permits the minor to possess a graffiti implement in violation of this section is guilty of a class one misdemeanor.

(c) No person shall sell or otherwise transfer any graffiti implement to a minor unless said minor is accompanied by a parent, guardian or other person having legal custody of the minor at the time of the purchase of transfer.

(d) No minor shall, at the time of the purchase of any graffiti implement, furnish fraudulent evidence of majority. Evidence that a person demanded and was shown acceptable

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evidence of majority and acted upon such evidence in a transaction, purchase or sale shall be a defense to any prosecution under this chapter. Acceptable evidence of majority shall include but is not limited to, driver's license or state-issued identification or military identification.

(e) Unless accompanied by a parent, guardian or other person having legal custody of the minor, no minor shall possess a graffiti implement on any public property or any private property, except with the express permission of the lawful owner or manager of said private property.

(f) It is unlawful for any person to possess a graffiti implement, liquid paint in cans or other containers in any public building, or upon any public facility or private property with intent to use the same commit criminal damage upon or to deface said building, facility or property without the consent of the lawful owner of the property.

(g) Any parent, guardian or other person having legal custody of the minor whose minor child is convicted of a violation of Sections 13-68 - 13-75 shall be liable in a civil action to the lawful owner of the property for the costs of repairing or removing the graffiti up to an amount of ten thousand dollars (\$10,000), or the actual costs incurred, whichever is less.

(h) Any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of five hundred (\$500.00) dollars plus surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court shall additionally require such persons to perform community service and successfully complete counselling or other educational programs as a condition of sentence.

(i) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of five hundred dollars (\$500.00), Together with the surcharge required by this chapter, which may not be waived or suspended. In addition a person convicted of a violation of this section shall be punishable by a term of not less than forty-eight (48) hours in jail. The court may additionally require such persons to be placed on probation, and shall order persons convicted of a violation of this section to perform community service, to successfully complete counselling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.

State Law Reference A.R.S. §8-232

(Ord. No. 92-04, 2/11/92, Enacted)

(Ord. No. 94-31, 7/5/94, Amended)

(Ord. No. 94-59, 8/2/94, Amended)

(Ord. No. 98-32, 5/5/98, Renumbered from Sec. 13-72, Amended)