

1 **BOARD BILL 86 CS** **INTRODUCED BY ALD. DONNA BARINGER**

2 An ordinance repealing Ordinance 62239 which is codified as Sections
3 15.128.010, 15.128.020 and 15.128.030 of the St. Louis City Revised Code pertaining to
4 spray paint; pertaining to graffiti and tagging; containing definitions; prohibiting conduct
5 and possession of graffiti tools without consent; prohibiting the sale of graffiti tools to
6 persons under eighteen; requiring vendors of graffiti tools to place in clear public view a
7 sign stating that graffiti is a crime and each said offense is punishable; an enforcement
8 provision; a penalty clause; severability clause; and an effective date. This ordinance is
9 not withstanding any other ordinances previously passed.

10 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

11 **SECTION ONE:** Ordinance 62239 which is codified as Sections 15.128.010,
12 15.128.020 and 15.128.030 of the St. Louis City Revised Code is hereby repealed and in
13 lieu thereof a new ordinance is enacted to read as follows:

14 **SECTION TWO: Findings.**

15 The Board of Aldermen for the City of St. Louis finds and declares as follows:
16 It is the purpose of this ordinance to target and prevent the sale and distribution of graffiti
17 tools to taggers and other vandals by regulating persons who sell graffiti tools to
18 individuals and to obtain identifying information of such purchasers.

19 The Board of Aldermen finds that residents of the city of St. Louis have experienced
20 problems with graffiti and tagging by individuals and such criminal conduct constitutes a
21 public nuisance.

22 The Board of Aldermen finds and determines that graffiti is obnoxious and constitutes a
23 public nuisance and therefore must be abated to avoid any detrimental impact of such

1 graffiti on the City of St. Louis and to prevent the further spread of graffiti and for
2 aesthetic purposes.

3 **SECTION THREE: Definitions.**

4 **Building-** Any structure used for commercial, business or residential purposes, whether
5 or not occupied, and any structure appurtenant to use, including but not limited to:
6 garages, fences, retaining walls, facades, highway overpasses, bridges, stud walls, or any
7 other structure within the City of St. Louis.

8 **Graffiti-** Any unauthorized mark, inscription, word, figure, picture, notation or design
9 drawn, written, etched, painted, sprayed, marked, posted, pasted or otherwise affixed,
10 drawn, or painted on any surface of any building, public, private or personal property.

11 Graffiti shall not mean a sign lawfully erected and maintained as required by other
12 ordinances.

13 **Graffiti tools-** Any spray paint container, indelible marker, paint stick, cream or acid
14 manufactured for the purpose of etching, altering, painting any surface or used for the
15 application of “graffiti” as defined herein.

16 **Indelible Marker-** any felt-tip marker or similar implement with a tip that is greater than
17 1/8 inch at its broadest width containing any ink that is not water-soluble.

18 **Paint stick or Graffiti stick-** Any device containing a solid form of paint, chalk, wax,
19 epoxy, or other similar substance that is not water-soluble and is capable of being applied
20 to a surface and upon application of leaving a mark.

21 **Person-** Includes any human being, corporation, partnership, authority, business,
22 municipality, association, or any other entity able to sue or be sued.

1 **Spray Paint Container-** Any aerosol receptacle, holding paint that be used to apply paint
2 to any surface described in the definition of graffiti herein.

3 **Structure-** Any public or private bridge, overpass, pathway, highway divide, lane
4 marker, billboard, train pass or marker, walls poles, utility or water towers or feature
5 fixed to land.

6 **Tag or Tagging-** The application of graffiti to any building, property or personal
7 property.

8 **Tagger-** A person who defaces any building, property or personal property with graffiti.

9 **Vendor-** Any person who offers for sale and/or transfer any items that constitute graffiti
10 tools for value or any form of consideration.

11 **SECTION FOUR: Graffiti Prohibited.**

12 **Prohibited Conduct.** It shall be unlawful for a person to deface, destroy or otherwise
13 damage any public or private building, structure, property or personal property by the
14 application of graffiti without the owner's prior knowledge and consent.

15 **Possession of Graffiti Tools Prohibited.** It shall be unlawful for any person to have in
16 their possession any graffiti tools while on public or private property, without the consent
17 of the owner of said property, structure or building, in a manner that warrants a justifiable
18 and reasonable alarm or immediate concern for the safety of buildings, structures and
19 property in the immediate vicinity.

20 **SECTION FIVE. Sale of Graffiti Tools Regulated.**

21 A. No vendor shall sell any graffiti tools to any person under the age of eighteen (18)
22 years of age unless accompanied by an adult parent or guardian.

23 **SECTION SIX: Display requirements.**

1 Required Conduct. Each vendor selling items constituting graffiti tools shall place a sign
2 in clear public view at or near the display and inventory of graffiti tools. Said sign shall
3 measure not less than eight and a half (8 1/2) inches by eleven (11) inches, have the City
4 of St. Louis Seal and state “It is illegal for a person to purchase or possess aerosol spray
5 paint containers or any other graffiti tool for the express illegal purpose of graffiti per St.
6 Louis City Ordinance #XXXXXX .” Signs will be available for distribution by the
7 Department of Public Safety

8 **SECTION SEVEN. Enforcement.**

9 Enforcement of this ordinance shall be the responsibility of the City of St. Louis
10 Department of Public Safety.

11 **SECTION EIGHT. Penalty for violation.**

12 Any person who violates the provisions in section four of this chapter shall be subject to
13 of a fine of up to five hundred dollars (\$500) or imprisonment of a term not to exceed
14 ninety (90) days or both at the discretion of the Court. In lieu of fines or imprisonment,
15 the Court may impose a sentence of community service not to exceed 90 days with the
16 express requirement that the offender clean graffiti from public buildings, structures or
17 property in the City of St. Louis.

18 Any vendor who violates the provisions in sections five and six of this chapter shall be
19 subject to of a fine of up to five hundred dollars (\$500).

20 All monetary funds collected by the City under this ordinance shall be directed to
21 Operation Brightside and utilized for the removal and prevention of graffiti on public and
22 private properties.

23 **SECTION NINE. Severability Clause.**

1 If any provision, clause, sentence, paragraph or word of this ordinance or the application
2 thereof to any person, entity or circumstances shall be held invalid, such invalidity shall
3 not affect the other provisions of this ordinance which can be given effect without the
4 invalid provisions or application, and to this end the provisions of this ordinance are
5 declared severable.

6 **SECTION TEN. Effective Date.**

7 This ordinance shall be effective ninety (90) days following passage and approval of the
8 Mayor.