

2 An ordinance pertaining to graffiti and tagging; containing definitions; prohibiting  
3 conduct and possession of graffiti tools without consent; prohibiting the sale of graffiti  
4 tools to persons under eighteen; requiring vendors to view and copy the identification of  
5 any individual purchasing any three or more graffiti tools; requiring vendors to record the  
6 transaction at the time of the sale of any three of more graffiti tools; requiring vendors of  
7 graffiti tools to place in clear public view a sign stating that graffiti is a crime and each  
8 said offense is punishable; an enforcement provision; a penalty clause; severability  
9 clause; and an emergency clause. This ordinance is not withstanding any other  
10 ordinances previously passed.

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

12 **SECTION ONE: Findings.**

13 The Board of Aldermen for the City of St. Louis finds and declares as follows:

14 It is the purpose of this ordinance to target and prevent the sale and distribution of graffiti  
15 tools to taggers and other vandals by regulating persons who sell graffiti tools to  
16 individuals and to obtain identifying information of such purchasers.

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

20 The Board of Aldermen finds and determines that graffiti is obnoxious and constitutes a  
21 public nuisance and therefore must be abated to avoid any detrimental impact of such  
22 graffiti on the City of St. Louis and to prevent the further spread of graffiti and for  
23 aesthetic purposes.

1    **SECTION TWO: Definitions.**

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

6    **Graffiti-** Any unauthorized mark, inscription, word, figure, picture, notation or design  
7    drawn, written, etched, painted, sprayed, marked, posted, pasted or otherwise affixed,  
8    drawn, or painted on any surface of any building, public, private or personal property.  
9    Graffiti shall not mean a sign lawfully erected and maintained as required by other  
10   ordinances.

11   **Graffiti tools-** Any spray paint container, indelible marker, paint stick, etching tool or  
12   object capable of etching, altering, painting or any other manner of scarring any surface  
13   or used for the application of “graffiti” as defined herein.

14   **Indelible Marker-** any felt-tip marker or similar implement with a tip that is greater than  
15   1/8 inch at its broadest width containing any ink that is not water-soluble.

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

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

21   **Purchaser-** Any purchaser who buys any three or more items defined as graffiti tools  
22   herein.

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 THREE: 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 FOUR. 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.

1 B. No vendor shall sell any three or more graffiti tools unless he view and copy or  
2 record the photographic identification of the individual purchasing any three or more  
3 graffiti tools.

4 1. The vendor shall record the transaction at the time of the sale of any three  
5 or more graffiti tools and is required to maintain the records of the sale for a period of  
6 one year from the date of the sale; said records shall be made immediately accessible to  
7 law enforcement upon request.

8 2. The record of the transaction or sale shall include, but is not limited to, the  
9 date and time of sale; the place of sale; name, address, date of birth and driver's license  
10 number of the purchaser; employee handling the sale; and a description of the items sold.  
11 The vendor may copy or Xerox identification in lieu of recording said information.

12 **SECTION FIVE: Display requirements.**

13 Required Conduct. Each vendor selling items constituting graffiti tools shall place a sign  
14 in clear public view at or near the display and inventory of graffiti tools. Said sign shall  
15 measure not less than twelve (12) inches by eighteen (18) inches, have the City of St.  
16 Louis Seal and state "It is illegal for a person to purchase or possess aerosol spray paint  
17 containers or any other graffiti tool for the express illegal purpose of graffiti per St. Louis  
18 City Ordinance #XXXXXX."

19 **SECTION SIX. Enforcement.**

20 Enforcement of this ordinance shall be the responsibility of the City of St. Louis  
21 Department of Public Safety.

22 **SECTION SEVEN. Penalty for violation.**

1 Any person who violates the provisions in section three of this chapter shall be subject to  
2 of a fine of up to five hundred dollars (\$500) or imprisonment of a term not to exceed  
3 ninety (90) days or both at the discretion of the Court. All monetary funds collected by  
4 the City under this ordinance shall be utilized for the removal and prevention of graffiti  
5 on public and private properties. In lieu of fines or imprisonment, the Court may impose  
6 a sentence of community service not to exceed 90 days with the express requirement that  
7 the offender clean graffiti from public buildings, structures or property in the City of St.  
8 Louis.

9 Any vendor who violates the provisions in section four of this chapter shall be subject to  
10 of a fine of up to five hundred dollars (\$500). All monetary funds collected by the City  
11 under this ordinance shall be utilized for the removal and prevention of graffiti on public  
12 and private properties

13 **SECTION EIGHT. Severability Clause.**

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

19 **SECTION NINE. Emergency Clause.**

20 This being an ordinance for the preservation of public peace, health, and safety, it is  
21 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of  
22 Article IV of the Charter of the City of St. Louis and therefore shall become effective  
23 immediately upon its passage and approval by the Mayor.