

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

3 **SECTION TWO: 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 paint container, indelible marker, paint stick, etching tool or object
14 capable of etching, altering, painting or any other manner of scarring any surface or used
15 for the 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 **Purchaser-** Any purchaser who buys any three or more items defined as graffiti tools
2 herein.

3 **Spray Paint Container-** Any receptacle, whether or not aerosol, holding paint that be
4 used to apply paint to any surface described in the definition of graffiti herein.

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

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

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

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

13 **SECTION THREE: Graffiti Prohibited.**

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

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

22 **SECTION FOUR. Sale of Graffiti Tools Regulated.**

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

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

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

13 **SECTION FIVE: Display requirements.**

14 Required Conduct. Each vendor selling items constituting graffiti tools shall place a sign
15 in clear public view at or near the display and inventory of graffiti tools. Said sign shall
16 state it is unlawful for a person to deface, destroy or otherwise damage any public or
17 private building, structure, property or personal property by the application of graffiti
18 without the owner's prior knowledge and consent and/or it is unlawful for any person to
19 have in their possession any graffiti tools while on public or private property, without the
20 consent of the owner of said property, structure or building, in a manner that warrants a
21 justifiable and reasonable alarm or immediate concern for the safety of buildings,
22 structures and property in the immediate vicinity and each said offense is punishable by

1 up to five hundred dollars (\$500) or imprisonment of a term not to exceed ninety (90)
2 days or both at the discretion of the Court.

3 **SECTION SIX. Enforcement.**

4 Enforcement of this ordinance shall be the responsibility of the City of St. Louis Police
5 Department.

6 **SECTION SEVEN. Penalty for violation.**

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

15 **SECTION EIGHT. Severability Clause.**

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

21 **SECTION NINE. Emergency Clause.**

22 This being an ordinance for the preservation of public peace, health, and safety, it is
23 hereby declared to be an emergence measure within the meaning of Sections 19 and 20 of

- 1 Article IV of the Charter of the City of St. Louis and therefore shall become effective
- 2 immediately upon its passage and approval by the Mayor.