

BILL NO. 17-008

ORDINANCE NO. 4747

FIRST READING 03.07.2017

SECOND READING 03.21.2017

AN ORDINANCE REGARDING CHAPTER 16 OF THE ORDINANCES OF THE CITY OF HANNIBAL, INCLUDING NEW SECTIONS REGARDING GRAFFITI AND THE PREVENTION OF GRAFFITI

WHEREAS, the City Council finds that Graffiti constitutes a substantial nuisance, and that it's occurrence in the City of Hannibal has become more prevalent, and

WHEREAS, it is in the best interests of the City of Hannibal that steps be taken to curtail graffiti within the City limits of the City of Hannibal, and that actions taken to prevent graffiti are within the police powers of the City of Hannibal.

NOW THEREFORE, the City Council makes the following amendments to **CHAPTER 16, of the Ordinances of the City of Hannibal**:

SECTION ONE: The City Council hereby amends Chapter 16 to include a new Section 16-108, which shall provide as follows:

Section 16-108. Graffiti Prohibited.

No person shall willfully or maliciously use any liquid substance, spray paint, chalk, dye or other similar substance to paint, mar or deface any public or privately owned structures located on public or privately owned real property within the city, whether such property is occupied, vacated or abandoned. This provision shall not be construed to prohibit the use of sidewalk chalk on the sidewalk so long as it is not applied in a permanent manner.

SECTION TWO: The City Council hereby amends Chapter 16 to include a new Section 16-109, which shall provide as follows:

Section 16-109. Possession of Spray Paint in Certain Public Places.

No person shall have in his or her possession any aerosol container of spray paint capable of defacing property while in any public park, playground, swimming pool or recreation facility, public building or other public place, other than a highway, street or alley, except authorized employees or agents of the city or persons having the authorization of the city manager.

SECTION THREE: The City Council hereby amends Chapter 16 to include a new Section 16-110, which shall provide as follows:

Section 16-110. Graffiti—Reward.

1. "Graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any structural component of any building, or on any wall, structure, or other facility regardless of the nature of the material of that structural component, wall, structure or other facility

2. A reward in an amount established by resolution of the city council is authorized, offered and may be paid by the city to any person who provides information leading to the determination of the identity of, and the apprehension of, any person who willfully or maliciously paints, mars or defaces any public or private structure located on private or public property within the city. The exact amount of the reward to be paid by the city shall be determined by the City Manager pursuant to schedules promulgated and published by the City Manager.

3. Any person found to have placed graffiti on a structure shall be liable for the amount of any reward paid by the city pursuant to this section.

SECTION FOUR: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FIVE: That this Ordinance shall be in full force and effect immediately from its adoption and approval.

Adopted this 21st day of March, 2017.

Approved this 21st day of March, 2017.


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC - City Clerk