

ORDINANCE NO. 689

AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433.

The City of Aumsville ordains as follows:

Section 1. Definitions.

- (A) Aerosol Paint Container. Any aerosol container adopted or made for spraying paint.
- (B) Etching Device. A glass cutter, awl, or any device capable of scratching or etching the surface of any structure or personal property.
- (C) Felt Tip Marker. Any indelible marker or similar implement with a tip, which, at its broadest width, is greater than one-fourth inch.
- (D) Graffiti. Any inscription, word, figure or design that is marked, etched, scratched, drawn, or painted on any surface that is not authorized by the owner or person in charge of the property.
- (E) Graffiti Implement. Any aerosol paint container, a felt tip marker, an etching device, or a graffiti stick.
- (F) Graffiti Stick. A device containing a solid form paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth of an inch in width.

Section 2. Unlawfully Possessing Graffiti Implement. No person may possess, with the intent to unlawfully apply graffiti on any real or personal property of another, any graffiti implement.

Section 3. Seizure Impoundment. In addition to any citation issued, a graffiti implement possessed in violation of this ordinance may be immediately seized and impounded by the Aumsville Police Department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband and disposed of according to state law.

Section 4. Penalty. A conviction for violation of Section 2 of this ordinance shall be punishable by a fine not to exceed \$3,000; in conjunction with the fine, community service shall also be ordered consistent with Section 5 below.

Section 5. Community Service. In conjunction with a fine that may be imposed for violation of this ordinance the court shall order community service. To the extent possible, the community service shall be applied for the removal of graffiti and restoration of all surfaces to their original condition prior to the graffiti damage.

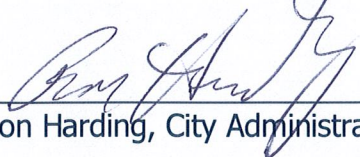
Section 6. Parental Civil Liability. In addition to any other remedy provided by law, the parent or parents of an unemancipated minor child shall be liable for actual

damages to person or property in connection with the removal of graffiti caused by said child in accordance with the provisions of ORS 30.765.

Section 7. Repeal. Ordinance 433 is hereby repealed.

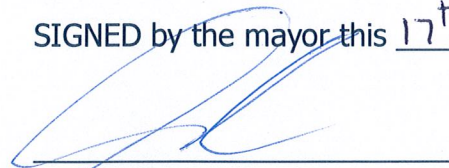
Section 8. Effective Date. This ordinance shall take effect on the 30th day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 14th day of December, 2020.



Ron Harding, City Administrator

SIGNED by the mayor this 17th day of December, 2020



Derek Clevenger, Mayor