

## Concerning the prevention of graffiti

### *(a). Purpose.*

The Board of Selectmen recognizes that graffiti has serious economic and psychological consequences. Graffiti is a public nuisance and destructive to the rights and values of property owners as well as the entire community. Unless the Town acts to remove graffiti from public and private property the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the town.

The Board of Selectmen intends, through the adoption of this ordinance, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement.

### *(b). Definitions.* As used in this section, the following terms shall have the meanings indicated:

*Enforcement* means all law enforcement officers of the town; the First Selectman of the town and/or his designees; the public works director of the town and/or his designees.

*Graffiti* means any inscription, word, figure, painting or other defacement that is marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorization, is otherwise deemed a public nuisance by the hearing officer. This section shall not be construed to prohibit easily removable chalk markings on public sidewalks and streets used in connection with traditional children's games.

### *(c). Graffiti restricted; penalty; violator responsible for restoration of property.*

1. No person shall write, spray, scratch or otherwise affix graffiti upon any property, public or private, in which another has an interest and without the prior consent of such other person.
2. Police officers or any other authorized officers may issue a citation for any violation of this section. Persons receiving said citations shall be deemed to have committed an infraction
3. Any person violating any provision of this section shall be fined an amount set by the Board of Selectmen. The Board of Selectmen may change the amount of the fines imposed hereunder for future violations without amending this ordinance. Any persons violating any provision of this section shall also be fined for each offense in accordance with the General Statutes, in addition to any criminal penalties which may be imposed pursuant to Chapter 952 of the General Statutes. Fines shall be cumulative. Multiple instances of graffiti shall be treated as separate violations. The Town may also initiate a civil action seeking injunctive as well as other relief to prevent violations of this section.

4. The fines collected pursuant to this ordinance will be used to remediate the condition caused by the violator.

*(d). Joint and several responsibility.*

The parents and/or guardians of a minor fined under this section shall be held jointly and severally responsible for payment of the minor's fine.

*(e). Restitution requested.*

If a criminal arrest is made for an offense referenced in this section, the Board of Selectmen shall make a request to the prosecuting state's attorney that financial restitution be ordered as penalty for the violation.

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Notes: See OLR Research Report 2009-R-0325 for discussion of ordinances in other Connecticut municipalities and model ordinances.