

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-13-09**

4
5 **Introduced by Mayor Moyer**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
04/13/09	05/25/09	04/25/09	08/10/09
Referred To:	Meeting Date:	Action Taken:	
Public Safety	09/28/09	Favorable	Travels with R-25-09

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8 **AN ORDINANCE concerning**

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10 **Graffiti Vandalism**

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12 **FOR** the purposes of classifying graffiti as a misdemeanor crime; specifying
13 what acts constitute a violation of the ordinance; and, providing
14 punishment by fine, imprisonment, and order of restitution.

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18 **BY** repealing and reenacting with amendments the following portion of the
19 Code of the City of Annapolis, 2009 Edition:
20 Section 11.36.070

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24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**
25 **ANNAPOLIS CITY COUNCIL** that Section 11.36.070 of the Code of the City of
26 Annapolis shall be amended to read as follows:

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28 **Chapter 11.36 OFFENSES AGAINST PROPERTY**

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30 **11.36.070 Vandalism — Generally Graffiti.**

31 A. Graffiti is a crime. No person shall damage, deface, or destroy any public or
32 private building or other real or personal property.

33 B. Defacing shall include, but not be limited to, the drawing, inscribing, painting,
34 scratching, scribbling, or writing upon any wall or surface owned, operated, or
35 maintained by any person or the City, unless the City or the property owner
36 grants written permission for such drawing, inscribing, painting, scratching,
37 scribbling, or writing.

1 C. Violation of this section is declared a misdemeanor punishable by a fine or by
2 imprisonment, or by both, as established by resolution of the City Council.

3 D. In addition to any fine or imprisonment, the court may order any person found
4 in violation of this section to make restitution to the victim for damage or loss
5 caused directly or indirectly by the person's offense in a reasonable amount or
6 matter to be determined by the court.

7 1. In the case of a minor, the parents or legal guardian shall be jointly and
8 severally liable with the minor to make such restitution as provided by Title 11,
9 Subtitle 6 of the Criminal Procedure Article, Maryland Annotated Code.

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11 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED**
12 **BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon
13 date of final passage.

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17 **ADOPTED** this 5th day of October, 2009.

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19 **ATTEST:** **THE ANNAPOLIS CITY COUNCIL**

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22 _____ **BY:** _____
23 **Regina C. Watkins-Eldrige, MMC** **ELLEN O. MOYER, MAYOR**
24 **CITY CLERK**

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EXPLANATION:

Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

Staff Reports

O-13-09, Graffiti Vandalism & R-25-09, Amending Fines Schedule for Graffiti Crimes

During recent months the City of Annapolis has experience an increase in vandalism. Over a four-day period in February, twenty-five locations in the City were spray-painted, with nearly 100 separate “tagging” incidents recorded.¹ This increase marks a departure from the wane in graffiti throughout Annapolis during the past three years. In an attempt to combat this surge in property destruction, the proposed ordinance expressly prohibits graffiti in the City of Annapolis, defining graffiti vandalism as a misdemeanor.

Under the proposed ordinance, “[n]o person shall damage, deface, or destroy any public or private building or other real or personal property” without the written consent of the property owner. As defined by the ordinance, “defacing” includes “drawing, inscribing, painting, scratching, scribbling, or writing.” The ordinance’s prohibition applies to any “wall or surface owned, operated, or maintained by any person or the City.” Other jurisdictions, such as Hialeah Gardens, Florida, have enacted similar legislation.²

The proposed fines resolution imposes a fine of up to \$250 for a first offense and a fine of up to \$1,000 for repeated offenses; for both first-time and repeated offenses, imprisonment up to 90 days may also be imposed. In addition to any fine and/or term of imprisonment, offenders may be responsible for the payment of restitution to harmed property owners. In the case of minors, the parents or legal guardians shall be held jointly and severally liable for any order of restitution, consistent with Title 11, Subtitle 6 of the Criminal Procedure Article of the Maryland Annotated Code.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184

¹ See Lisa Beisel, *Ex-city ‘graffiti czar’ sees rise in vandalism*, THE CAPITAL, March 10, 2009, available at <http://www.hometownannapolis.com/news/can/2009/03/10-38/Ex-city-graffiti-czar-sees-rise-in-vandalism.html>.

² See CODE OF THE CITY OF HIALEAH GARDENS, FL., Pt. II, Ch. 34, § 34-3(a) (2008).