

VILLAGE OF ESSEX JUNCTION, VT
MUNICIPAL CODE
CHAPTER 16
ORDINANCE PROHIBITING GRAFFITI AND DEFACEMENT OF PROPERTY AND
PLACING SUBSTANCES IN PUBLIC FOUNTAINS

PURPOSE: This ordinance seeks to help prevent the spread of graffiti and defacement of property, public and private. Graffiti and the defacement of property are destructive of the rights and values of property owners. They are aesthetic blights on the entire community. Graffiti and defacement of property are acts of vandalism, detrimental to the village, and are, therefore, public nuisances.

SECTION 1601. DEFINITIONS.

- 1) "*Graffiti*" means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, without being authorized to do so by the owner of the property or the owner's duly authorized agent.
- 2) "*Graffiti implement*" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.
- 3) "*Defacement*" means any application or causing the application to any surface of public or private property of paint, varnish, lead, crayon, wax, ink, dye or other substance, or the carving, chiseling, writing, or other such act of any mark, figure or letter on such property without being authorized to do so by the owner of the property or the owner's duly authorized agent.

SECTION 1602. PROHIBITED ACTS.

It shall be unlawful for any person to make graffiti or deface any surface of public or private property unless authorized by the owner of the property or the owner's duly authorized agent.

SECTION 1603. PLACING SUBSTANCES IN PUBLIC FOUNTAINS

No person shall throw, put or place or cause to be thrown, put or placed in any public fountain, or the water thereof, in the village, soap, stone, dirt, ashes, shavings, sticks, garbage, rubbish or filth of any kind, nor shall any person wade or bathe in, or cause or permit a dog or other animal to go into or swim in the water of a public fountain in the village.

SECTION 1604. PENALTIES:

- a. Any person who violates a provision of this Chapter of the Municipal Code shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.
- b. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

Each offense - **\$500.00**

Offenses shall be counted on a calendar year basis.

c. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

Each offense - **\$500**

Offenses shall be counted on a calendar year basis.