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ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF MALTA, IDAHO,
DEFINING THE MAKING OF GRFFITI; PROVIDING
THAT MAKING OF GRFFITI IS A MISDEMEANOR;
PROVIDING PENALTIES RELATING TO MAKING
GRAFFITI; PROVIDING FOR CIVIL LIABILITY FOR
MAKING GRAFFITI; DECLARING AN EMERGENCY
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE CITY OF MALTA finds and declares that the graffiti vandalism poses a serious problem for the City, and the unabated proliferation of graffiti is a physical blight upon the city and imposes a cost upon taxpayers for removal and repair, and

WHEREAS, THE CITY OF MALTA finds that when unchecked, graffiti presents the image of a deteriorating community that shows evidence of blight, and

WHEREAS, graffiti is an assault upon individual sensibilities and contributes to a downward spiral of economic and social conditions of the City where the graffiti is present.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Malta:

Section 1; As used herein "making graffiti" means the act of defacing, damaging or destroying any real or personal property of another by the unauthorized inscription of a word, figure or design that is marked, etched, scratched, drawn or painted on any building by the use of an aerosol container of spray paint, paint brush, broad tipped marker or similar instruments or tools that may apply paint or other substances to a surface or etch the same therein. Defacing shall include but not be limited to walls, buildings, billboards, signs, rocks, markings, monuments, gravestones, fences, roads, bridges, vehicles or any other public or private property.

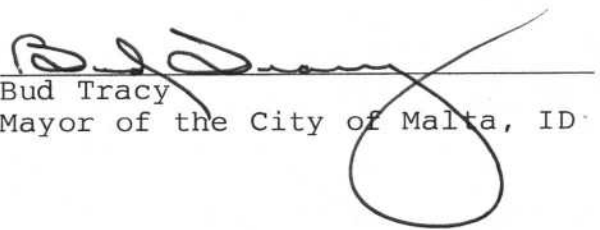
Section 2: No persons shall make graffiti on any public or private real or personal property owned by any person, firm, corporation or public agency.

Section 3: The making of graffiti in violation of Section 2 shall be a misdemeanor.

Section 4: In addition to any penalty imposed by any court of competent jurisdiction, the defendant found guilty of making graffiti shall be civilly liable to the City or the building owner or lessee for the cleanup of the graffiti and in the case of a minor found guilty of making graffiti, the parent or guardian shall be civilly liable for the damages as subject to the limitations provided in Idaho Code 6-210.


Section 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED this 17 day of July, 1995 by the Council of The City Of Malta.



Bud Tracy
Mayor of the City of Malta, ID

ATTEST:



Marilyn Lightfoot
Clerk of the City of Malta, ID