

III
New

O.4.08

ORDINANCE PROHIBITING THE PLACEMENT OF GRAFFITI ON PUBLIC AND PRIVATE PROPERTY WITHIN THE TOWNSHIP OF DEPTFORD

Whereas, the township council of the Township of Deptford finds and declares that the use of broad-tipped pens, paint spray cans, pencils, pens, crayons or other marking devices to write **graffiti**, verbal or otherwise, on the walls or other available spaces on public or private buildings, vehicles, areas or facilities, causes a serious defacement of such buildings, vehicles and areas, public and private; contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful **graffiti** on, with defacement of, public and private property; and constitutes a deleterious practice contrary to the public health and welfare.

Whereas, the township council further finds and declares that such contempt for the property rights of private citizens, as well as public facilities, contributes to the erosion of law and order and contributes to the deterioration of quality of life of the community and must be opposed and punished.

Now therefore be it ordained that the township council of the township of Deptford hereby amends Chapter III Police Regulations of the General Ordinances as follows:

Section I Graffiti - Definitions:

(a) **Graffiti** shall mean any letters, numbers, word or words, writing, inscription, symbol, drawing, carving, etching or other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages, mars or destroys the real or personal property of another. It shall not include easily removable chalk markings on the public sidewalk and street in connection with traditional children's games, such as bases for stickball, handball, hopscotch and the like, nor temporary, easily removable chalk markings in connection with any lawful business or public purpose or activity.

(b) *Minor* shall mean juvenile under eighteen years of age as set forth in N.J.S.A. 2A:4A-22.

(c) *Family Court* shall mean the Superior Court of New Jersey, Chancery Division, Family Part as set forth in N.J.S.A. 2A:4A-22.

(Ord. No. 2002-22, § 2.)

Section II Graffiti - Prohibited acts and conduct.

(a) No person shall without the prior consent of the owner, purposely or knowingly place, write, paint, draw, figure, inscribe or mark or cause any **graffiti** to be placed upon any public property or the real or personal property of another.

(b) Any parent, guardian or custodian in charge of a minor who is convicted of violating this section who has neglected to properly supervise such minor shall be presumed to have aided and assisted, allowed and/or permitted said minor in violation of the provisions of this section.

(c) Pursuant to N.J.S.A. 2A:53A-15, any parent, guardian or other person having custody of a minor who fails or neglects to exercise reasonable supervision and control of the conduct of such minor, shall be liable in a civil action for any willful, malicious or unlawful injury or destruction by such minor of the real or personal property of another.

(Ord. No. 2002-22, § 3.)

Section III Graffiti - Removal.

(a) Any person owning either real or personal property upon which **graffiti** has been placed in violation of section II herein above, shall remove said **graffiti** from said property within five days of being notified by the township that **graffiti** has been placed on said property. All costs associated with the removal of said **graffiti** may be reimbursed to said property owner through the township municipal court in accordance with the penalty provisions set forth in sections IV & V herein below.

Section IV Graffiti - Prosecution of persons under eighteen years of age; action in court.

(a) If, at the time of the offense charged under section Section II, any person(s) shall be under the age of eighteen years, the Family Court shall have exclusive jurisdiction of the trial of such minor(s), and such minor(s) shall be surrendered to the court, and the case, including all papers and process thereto, shall be transferred to said court as provided in N.J.S.A. 21A:4A.

(b) The parent, legal guardian or other person having care and custody of said minor shall be summoned or arrested and brought before the judge of the municipal court of the township and may be subject to the penalties provided herein.

Section V Graffiti - Violations and penalties.

(a) *Penalties.* Any person who shall violate any provisions of section II shall be subject to the penalties as provided in Chapter I section 1.5 and/or required to perform community service. Each day in which such violation continues shall constitute a separate offense. Repeat offenders, as that term is defined in Chapter I section 1.5.3, shall be subject to the penalties set forth in section 1.5.1.

(b) *Restoration of property; reimbursement for same.* As a condition of sentencing, the municipal court shall have the authority to order that the offender be responsible for cleaning, repairing, painting or otherwise restoring the damaged property to the condition it was prior to being damaged, if said property has not already been restored by the owner in accordance with section III herein above. If the owner of the property has already restored the property, the municipal court shall assess a fine or penalty which shall be intended to reimburse the owner for the expenses incurred by said owner to restore the property. The owner shall file a certification setting forth the amount of said expenses with the court clerk. In the event that the property has not been restored by the owner, and the offender is unable to clean, repair, paint or otherwise restore the damaged property to the condition it was prior to being damaged, then the municipal court shall have the further authority to order that said offender make the necessary monetary restitution to restore the property to its original undamaged condition.

(c) *Exception—Offender under the age of eighteen.* An exception to Section IV subsections (a) and (b) applies in the case of a minor who shall, upon conviction, be subject to the penalties imposed on him/her by the judge of the Family Court.

TOWNSHIP OF DEPTFORD

PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of the Township Council of the Township of Deptford held on the 7th day of April, 2008 and will be considered for final passage and adoption at the next Regular Meeting which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 5th day of May, 2008 at the Municipal Building, 1011 Cooper Street, Deptford, NJ 08096.

DINA L. ZAWADSKI, TOWNSHIP CLERK