

**Section 16-13. Throwing stones.**

It shall be unlawful for any person to throw any stone or other missile at or upon any building, tree or other public or private property, or at any person. (Code 1958, Sec. 17- 50.)

**Section 16-14. Participating in or inciting a riot or disturbance.**

It is unlawful for any person who collects or assembles in crowds and bodies to become involved in or incite or attempt to incite a riot or public disturbance.

**ARTICLE 2. OFFENSES AGAINST PROPERTY.****Division 1. General Provisions.****Section 16-15. Injuring, defacing, or destroying publicly-owned property.**

It is unlawful for any person to knowingly injure, deface or destroy any real property or improvements thereon, or movable or personal property owned by the City or any other public entity. (Ord. 1499, 3/3/95.)

**Section 16-16. Injuring, defacing or destroying private property.**

It is unlawful for any person to knowingly injure, deface or destroy the real or personal property belonging to any person or other private entity. (Ord. 1499, 3/3/95.)

**Section 16-16.1 GRAFFITI**

(1) Definitions: for purposes of Sections 16-16.1.: (Ord. 1756, eff., 7-16-04)

- (a) **“Graffiti”** means the defacing of public or private property without the consent of the property owner by means of any method of defacement, including but not limited to painting, drawing, writing, etching, carving or otherwise marring the surface of the property by use of paint, spray paint, ink or any other substance or object. (Ord. 1756, eff., 7-16-04)
- (b) **“Prohibited graffiti material”** means and includes spray paint, spray paint nozzles, glass cutting tools and glass etching tools or instruments. (Ord. 1756, eff., 7-16-04)
- (c) **“Spray paint”** means any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property. (Ord. 1756, eff., 7-16-04)
- (d) **“Spray paint nozzle”** means a nozzle designed to deliver a spray of paint of a particular width or flow from a can of spray paint. (Ord. 1756, eff., 7-16-04)

(2) Application of Graffiti. (Ord. 1756, eff., 7-16-04)

(a) It is unlawful for any person to deface public or private property with graffiti. (Ord. 1756, eff., 7-16-04)

(b) The City may order the occupant or owner of any property on which graffiti is found to remove the graffiti, at the occupant or owner's sole expense, within twenty-four (24) hours, or such additional time as determined by the City. It is unlawful for any occupant or owner of property on which graffiti is found to fail to remove or cause to be removed graffiti as directed by the City. (Ord. 1756, eff., 7-16-04)

(c) Upon conviction of a violation of this Section, in addition to any other penalty allowed by law, the Municipal Court may order the defendant to personally make repairs to the damaged property, or may enter an order authorizing the City to enter upon the property and remove the graffiti, assessing the cost of removal against the defendant. (Ord. 1756, eff., 7-16-04)

(3) Sale and Possession of prohibited graffiti materials. (Ord. 1756, eff., 7-16-04)

(a) Possession. It is unlawful for any minor, except under the direct supervision of such minor's parent, legal guardian, school teacher, tutor, counselor, art instructor or a law enforcement officer, to purchase, obtain, possess or attempt to purchase, obtain or possess any prohibited graffiti materials. (Ord. 1756, eff., 7-16-04)

(b) Contributing to unlawful possession. It is unlawful for any person, except a law enforcement officer in the performance of official duty, to knowingly allow a minor to possess prohibited graffiti materials upon any real property unaccompanied by such minor's parent, legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer. (Ord. 1756, eff., 7-16-04)

(c) It is unlawful for any person, other than a parent or legal guardian, school teacher, tutor, counselor, art instructor or law enforcement officer, to sell, exchange, give, deliver, loan or otherwise furnish or cause or permit to be sold, exchanged, delivered, loaned or otherwise furnished any prohibited graffiti material to any minor unless the minor is accompanied by his or her parent, legal guardian, school teacher, tutor, counselor, art instructor or a law enforcement officer. (Ord. 1756, eff., 7-16-04)

(4) Signs Required. It is unlawful for any person who sells or offers for sale any prohibited graffiti material to fail to display a warning sign in a prominent place in the building at all times. Such warning sign shall have a minimum height of fourteen inches and a minimum width of eleven inches, shall use capital lettering of at least one-half of one inch in height, and shall read as follows: (Ord. 1756, eff., 7-16-04)

**WARNING: IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE OR POSSESS ANY SPRAY PAINT, SPRAY PAINT NOZZLE, GLASS CUTTING TOOL OR GLASS ETCHING TOOL OR INSTRUMENT, UNLESS ACCOMPANIED BY HIS OR HER PARENT,**

LEGAL GUARDIAN, SCHOOL TEACHER, TUTOR, COUNSELOR, ART INSTRUCTOR OR A LAW ENFORCEMENT OFFICER, AND UPON CONVICTION, A FINE OF UP TO \$300.00 MAY BE IMPOSED.

(5) Affirmative Defenses. (Ord. 1756, eff., 7-16-04)

It shall be an affirmative defense to an alleged violation of Subsections 3(A) or (B) hereof that the minor possessing the prohibited graffiti materials was: (Ord. 1756, eff., 7-16-04)

- (a) Within his or her residence; (Ord. 1756, eff., 7-16-04)
- (b) At his or her place of employment; or (Ord. 1756, eff., 7-16-04)
- (c) Upon real property with permission from the owner, occupant or person having lawful control of such property to possess such materials. (Ord. 1756, eff., 7-16-04)

It shall be an affirmative defense to an alleged violation of Section 3(C) hereof that the person charged in an employer and; (Ord. 1756, eff., 7-16-04)

- (a) Has adopted and enforces a written policy against selling prohibited graffiti materials to minors; (Ord. 1756, eff., 7-16-04)
- (b) Requires employees to verify the age of purchasers of prohibited graffiti materials by way of photo identification; and (Ord. 1756, eff., 7-16-04)
- (c) Has established and imposes sanctions for noncompliance. (Ord. 1756, eff., 7-16-04)

Any person convicted of a violation of this Section shall be punished by a fine not to exceed three hundred dollars. (Ord. 1756, eff., 7-16-04)

**Section 16-17. Trespassing upon publicly or privately owned property.**

- (1) It shall be unlawful for any person to knowingly use, occupy, or remain on or in any publicly owned property, except during those times in which such property is open to the public, unless permission has been granted by a person properly authorized to do so.
- (2) It shall be unlawful for any person to knowingly use, occupy, or remain on or in any privately owned property, real or personal, without the permission of the owner or person entitled to possession thereof.
- (3) Any person who violates this Section shall be subject to a fine not exceeding Three Hundred Dollars (\$300.00).

**Section 16-18. Loitering about railroad yards; exception.**

It shall be unlawful for any person not an employee of the railroad to loiter about cars, car yards, transfer grounds, or to enter in or upon any car, depot or freight house or to move any car door or