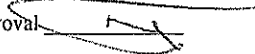


Legal Counsel Approval 

R.L 07-092

Intro. No. LL07-4

Perm. No. LL07-4



IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Dated: July 2, 2007

Sponsored by Councilmember(s): Gerchman, Weslar, Russo, Rennia, Kramer, Collins,
Papastrat, Massar

Introduced by Committee(s) on: Planning

LOCAL LAW NO. OF 2007
entitled

A LOCAL LAW TO AMEND THE BINGHAMTON
CITY CODE TO INCLUDE AN ANTI-GRAFFITTI
SECTION

WHEREAS, the Code of the City of Binghamton does not provide for specific prohibitions against graffiti; and

WHEREAS, City Council believes that graffiti is an eyesore to the general public, a form of blight, detracts from real property values and is violative of the health, peace, safety and welfare of the residents of the City of Binghamton.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton is amended to add Chapter 256, *Graffiti*, as attached hereto.

Section 2. That this Local Law shall take effect immediately upon filing with the Secretary of State.

Chapter 256: Graffiti

§ 256-1. Legislative findings, purposes and considerations.

It is hereby declared and found that the use of aerosol spray paint cans, broad-tipped indelible markers and other marking devices for writing of graffiti on public and private property, buildings and other structures is harmful to the general public and violative of the public health, peace, safety and welfare of the people of the City of Binghamton.

§ 256-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BROAD-TIPPED INDELIBLE MARKER — Any felt tip marker or similar implement containing a fluid or coloring matter that is not water soluble and which has a flat or angled writing surface of 1/2 inch or greater.

DEFACE — To mar the face or surface of, disfigure, injure or spoil the appearance of.

GRAFFITI — The etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to deface or damage such property.

PEN — Any instrument or similar implement that contains an ink fluid or similar coloring matter.

WRITING AND ARTISTIC DEVICE — Any crayon, pastels stick, charcoal and artistic paints.

§ 256-3. Restrictions.

- A. No person shall make graffiti, write, paint, spray or draw any word, work, inscription, design, figure or mark of any type on or otherwise mar or deface any building, public or private, or any other property, real or personal, including any church, synagogue, statue, monument, passenger or commercial vehicle, bridge, dwelling or structure of any kind, including those in the course of construction, owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.
- B. No person shall possess any graffiti instruments such as any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evincing an intent to use the same in order to damage such property.

§ 256-4. Removal of graffiti.

- A. It shall be the responsibility of any person owning, occupying, or in control of residential or commercial property to remove graffiti within 15 days of notification from the City of the existence of graffiti on his or her property. A reinspection fee of \$50 shall be charged if the

violation is not corrected within such time period. All unpaid reinspection fees shall be assessed to the owner against the property and shall be added to the tax bill for said property.

- B. The City of Binghamton hereby recommends to the judiciary who may be involved with the handling of any violators of this chapter that their sentences include, but are not limited to, a sentence that requires said offenders to remove graffiti within the City of Binghamton under the proper supervision of a person designated by said court.

§ 256-5. Penalties for offenses.

- A. Any person who violates the provisions of § 256-3A of this chapter shall be guilty of a Class A misdemeanor punishable by a fine of not less than \$300 and not more than \$750 or imprisonment for not more than six months, or both. The court may consider a conditional discharge upon the condition that, with the consent of the owner, the defendant will restore the property so defaced to its original condition by means of the defendant's own labor or on the condition of monetary restitution in an amount not to exceed the cost of said restoration.
- B. Any person who violates the provisions of § 256-3B of this chapter shall be guilty of a Class B misdemeanor punishable by a fine of not less than \$150 and not more than \$500 or imprisonment for not more than 90 days, or both.

§ 256-6. Civil liability.

The parent or legal guardian of any minor over the age of 10 and under the age of 18 who violates any provision of this chapter shall be held liable for any damages and/or clean-up costs that result from a violation of § 256-3A of this chapter. In addition, if the City of Binghamton removes any graffiti from City owned property pursuant to § 132-1, then the responsible party will reimburse the City for the reasonable costs and expenses to remove the graffiti.