

**CITY OF MARSHALL
ORDINANCE 25-001**

**AN ORDINANCE AMENDING ARTICLE 42-II OFFENSES INVOLVING
PROPERTY RIGHTS, DIVISION 42-II-2 GRAFFITI**

The Common Council of the City of Marshall do ordain as follows:

SECTION 1: **AMENDMENT** “Section 42-36 Definitions” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 42-36 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Graffiti means any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb or other permanent structure on public or private property and which have the effect of defacing the property.

Graffiti implements means paint, aerosol or pressurized containers of paint, indelible markers, chalk, ink, dye or any other substance capable of defacing property.

(Ord. No. 402 2nd series, § 1(10.34(2)), 10-19-1998)

Cross reference(s)—Definitions generally, § 1-2.

SECTION 2: **AMENDMENT** “Section 42-38 Prohibited Acts” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 42-38 Prohibited Acts

- (a) *Applying graffiti*. Other than related to chalk as allowed by permit or otherwise, it shall be unlawful for any person to apply graffiti to any natural or manmade surface on any real or personal property owned by the city or other government. Except when using on sidewalks in Residence Districts or Special Residence Districts referenced in Section 86-71, to the extent any person wishes to use chalk on any natural or

manmade surface on any real or personal property owned by the City or owned by other governmental entities but within City's jurisdictional limits, the person may do so only with a permit issued by the City. It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any privately owned real or personal property without the permission of the owner.

- (b) *Possession of graffiti implements by minors.* Other than chalk, it shall be unlawful for any person under the age of 18 years to possess any graffiti implement while on any school property, grounds, facilities, buildings or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provision of this division does not apply to the possession of graffiti materials by a minor attending or traveling to or from a school at which time the minor is enrolled if the minor is participating in a class that the school formally requires the possession of such graffiti materials. The burden of proof in any prosecution for violation of this division is upon the minor student to establish the need to possess the graffiti materials.
- (c) *Unlawful possession near certain property.* Other than chalk, it shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the city or while in or within 50 feet of an underpass bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city.
- (d) Chalk. In the event that chalk is used as part of a city permitted event, the permittee shall remove the chalk message, depiction, pictures or graphic no later than the end of event. If removal does not occur, the City shall charge the permittee an amount set forth in the City Fee Schedule for removal.

(Ord. No. 402 2nd series, § 1(10.34(3)), 10-19-1998)

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall