

## TOWN OF OSSINING – DEFACING PUBLIC PROPERTY/GRAFFITI LAW

### Chapter 140: PEACE AND GOOD ORDER

#### ARTICLE I – Defacing of Public Property

##### §140-1. Defacing of public property prohibited.

- A. No person shall damage, break, mar, deface, injure or remove any building, fence, sign, fire hydrant, fire alarm box, streetlight, tree, shrubbery or other property owned by the Town of Ossining in any manner whatsoever.
- B. No person shall carry an aerosol can of paint with the seal broken or an open magic marker in any public building or other public place or facility with intent to use same to deface property.

#### ARTICLE II – Graffiti

##### §140-2. Findings.

The Town Board of the Town of Ossining hereby finds and declares that graffiti creates a nuisance for the Town's residents and merchants. The proliferation of graffiti is a physical blight upon the landscape of the Town and costs taxpayers, merchants and homeowners substantial monies to remove and repair. When unchecked, graffiti only encourages more graffiti.

##### §140-3. Definitions.

For purposes of this article, the following words shall have the meaning ascribed to them herein:

**GRAFFITI** – Any drawing, figure, inscription, mark, message, slogan, symbol or object written, painted, drawn, etched, placed or otherwise made on property.

**PROPERTY** – Any building, fence, motor vehicle, recreational vehicle, rock, statue, monument, wall, tunnel, sign, structure, tree, utility box, utility pole, waste receptacle and all other articles of personal or real property upon which one can write, draw, paint, etch or otherwise mark.

##### §140-4. Prohibited Acts.

It is unlawful for any person to apply graffiti to any property without the permission of the owner or occupant of such property.

##### §140-5. Removal of graffiti; costs.

- A. Requirement to remove graffiti. The occupant, owner, lessee, sublessee, agent and/or landlord of any commercial, personal or residential property located within the Town of Ossining on which any form of graffiti has been written, painted, drawn, etched, or otherwise applied shall remove the graffiti from public view by either moving the property, removing the graffiti, or repainting, restoring, or recovering the surface on which the graffiti has been applied using the same colors and textures as existed previously on the surface, within fifteen days after written notice from the Town. The Town may serve said written notice on the occupant, owner, lessee, sublessee, agent and/or landlord by personal service, in which case the fifteen day curative period shall begin to run from the date of said service, or by certified mail, return receipt requested, to the address at which the property is located, in which case the fifteen day curative period shall run from the date that said notice is received as set forth in that receipt or, if that receipt is not returned, 21 days from the date of mailing.

In cases of economic hardship resulting from the foregoing obligation to remove graffiti, the Town may perform the necessary restorative work and accept reimbursement of its costs from the responsible occupant, owner, lessee, sublessee, agent and/or landlord on such terms as are just, reasonable and consistent with the interest of the public in the prompt removal of graffiti.

- B. Remedy of Town. If any graffiti is not removed from public view within thirty days after notice from the Town as set forth in §5A, then the Town may issue a criminal summons or appearance ticket returnable in the Justice Court of the Town of Ossining charging the occupant, owner, lessee, sublessee, agent and/or landlord of the property involved with violation of the said §5A.

### ARTICLE III – Penalties

#### §140-6. Penalties for offenses.

- A. Any person who is found guilty of damaging property in violation of §140-1(A) shall be punished by a fine of not more than \$500. In addition, such person shall be required to reimburse the Town of Ossining for repair of any damage sustained by said Town.
- B. Any person who is found guilty of carrying an aerosol can of paint or an opened magic marker in violation of §140-1(B) shall be punished by a fine of not more than \$100.
- C. Any person who is found guilty of causing and/or assisting graffiti to be applied in violation of §140-4 shall be punished by a fine of not more than \$250 for each violation thereof. In addition, that person may be required to reimburse the cost of removing said graffiti from the property and restoring the property as part of his or her punishment.

- D. Any occupant, owner, lessee, sublessee, agent and/or landlord of any commercial, personal, or residential property located within the Town of Ossining which has been found guilty of failing to remove any graffiti from public view after the notice and the thirty-day curative period in violation of §140-5A shall be punished by a fine of not more than \$250. Each day the graffiti is permitted to remain in public view after the curative period designated in §140-5A shall constitute a separate and distinct offense and shall be punishable by separate and distinct cumulative amounts of fines.
  
- E. Any person who is found guilty of violating any provision of this Chapter 140 may be required to perform suitable community services in addition to any penalty imposed for his or her violation under any other provision of this §140-6.

§140-7. Reward.

Under the authority of §91 of the General Municipal Law of the State of New York, any person who shall provide information that leads to the detection, arrest and conviction of any other person of a violation of this chapter shall be entitled to a reward equal to ½ of any fine imposed by the court, but in no event greater than \$1,000.