

Hillsborough County Graffiti Control Ordinance

Sec. 26-18. Graffiti control.

(a) *Intent and Purpose:* It is the intent and purpose of this section to address the problem of graffiti in the county. The proliferation of graffiti within the county has a negative impact on the aesthetics of the community and fosters the existence of youth gangs.

(b) *Definitions:*

(1) *Broad-tipped indelible marker* means any felt-tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

(2) *Graffiti* means a mark of any type, including but not limited to writing, painting or the drawing of any inscription, figures, or marks of any type on any public or private building or other real or personal property, owned, operated or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation unless the express permission of the owner or operator of the property has been obtained. For purposes of this section, graffiti shall not include chalk or other temporary markings made on sidewalks for the purpose of conducting temporary leisure activities, including but not limited to hopscotch.

(c) *Graffiti Prohibited:*

(1) No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained.

(2) No person shall carry an aerosol spray paint can or broad tipped indelible marker with the intent to violate the provisions of paragraph (1).

(d) *Penalties:*

(1) Violation of this section shall be a misdemeanor and shall be punishable by penalties as set out in Florida Statutes.

(2) In addition to any punishment, the court may order the defendant to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense as set out in Florida Statutes, or may order the defendant to clean and repair the damaged property or otherwise restore the property to its condition prior to the offense. Where the defendant is a minor, the court shall order the parent or legal guardian of such minor to make such restitution.

(3) In addition to any punishment, the court may in its discretion order the defendant to perform monitored community service, including but not limited to cleaning and repairing the property on which the graffiti violation occurred.

(4) Nothing in this subsection shall be construed to limit the authority of a juvenile court to provide conditions of probation.

(e) *Property Owner's Responsibility:*

(1) Whenever the county becomes aware of the existence of graffiti on any property, including structures or improvements within the county, a code enforcement officer is authorized, upon such discovery, to give, or cause to be given, notice to remove or effectively obscure such graffiti to the property owner, the property owner's agent or manager, or other person in possession or control of the property.

(2) It shall be unlawful for any person or firm owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti from such property within thirty (30) days from receipt of the notice described in paragraph (1). If the person or firm owning such property, acting as manager or agent for the owner of such property, or in possession or control of such property, fails to remove or effectively obscure the graffiti within the time period enumerated above, the county shall cause the graffiti to be removed or effectively obscured and may charge the property owner, or property owner's manager or agent, for the expenses incurred by the county. The county may sue in a court of competent jurisdiction to recover such expenses, together with attorney's fees and costs.

(3) Any person or firm owning property, acting as agent or manager for the owner of such property, or in possession or control of such property, who commits a violation of paragraph (2), may be punished by a fine of not more than one hundred dollars (\$100.00). In deciding the amount of fine to impose, the court shall consider the efforts taken by the violator, if any, to remove or effectively obscure the subject graffiti in a timely manner and how often the violator has been victimized by graffiti during the preceding calendar year. The provisions of this paragraph shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager, or possessor has been victimized two (2) or more times by graffiti within any calendar year, and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(Ord. No. 93-9, §§ I--V, 6-2-93)

Editor's note: Ord. No. 93-9, adopted June 12, 1993, did not specifically amend this Code; hence, inclusion of §§ I--V as § 26-18 was at the discretion of the editor.