

## Ordinance-Gang Graffiti & Tagging

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### **A BILL FOR AN ORDINANCE**

#### **ORDINANCE NO. 94-2**

### **A COUNTY WIDE ORDINANCE RELATING TO GRAFFITI, GANG GRAFFITI AND TAGGING, PREVENTION OF SAID ACTIVITIES AND ENFORCEMENT PROVISIONS FOR VIOLATIONS BY INDIVIDUALS FOR UNINCORPORATED ARAPAHOE COUNTY**

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401, the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control or licensing of those matters of purely local concern; and

WHEREAS, pursuant to Colorado Revised Statutes 30-15-401, matters of purely local concern include the prevention and suppression of riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place; and

WHEREAS, it has come to the attention of the Board of County Commissioners of Arapahoe County, that residents have experienced problems with graffiti, gang graffiti and tagging by individuals in relation to gang activity and the criminal activities, disturbances and vandalism associated with said gangs; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, they should take the following action.

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

#### **SECTION I. LEGISLATIVE DECLARATION - DEFINITIONS, APPLICABILITY:**

##### **A) LEGISLATIVE DECLARATION**

This ordinance shall be known and may be cited as "A COUNTY WIDE ORDINANCE RELATING TO GRAFFITI, GANG GRAFFITI AND TAGGING, PREVENTION OF SAID ACTIVITIES AND ENFORCEMENT PROVISIONS FOR VIOLATIONS BY INDIVIDUALS FOR UNINCORPORATED ARAPAHOE COUNTY."

The County Commissioners find and declare that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or handicap, to be secure and protected from intimidation, and physical harm caused by the activities associated with the application of graffiti and/or tagging and the property destruction done by said graffiti and/or tagging. It is not the intent of this ordinance to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The County Commissioners hereby recognize the constitutional right of every citizen to harbor and express beliefs of any subject whatsoever, to lawfully associate with

others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

The County Commissioners however, further find that the citizens of Arapahoe County are concerned as a result of violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The County Commissioners find that the number of gang related crimes is increasing.

In conjunction with the aforementioned crimes, there has been a proliferation of graffiti done both by gang members and individuals. It is the intent of the County Commissioners in enacting this ordinance to prevent the destruction of public or private property by the application of graffiti, gang graffiti and/or tagging by individuals, and the cost associated with the clean up thereof.

## B) DEFINITIONS

As used in this ordinance the following words are defined as follows:

"Board" - means the Board of County Commissioners of Arapahoe County, Colorado

"Gang" - means any ongoing organization, association, or group of three (3) or more persons, whether formal or informal, which is involved in the commission of one (1) or more of the criminal acts enumerated in this ordinance or Title 18 of the Colorado Revised Statutes, which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern or criminal gang activity.

"Gang Graffiti" - defacing of public or private property by one or more members of gangs by means of painting, drawing, writing, etching, carving with knives, carving with scribes, or any similar method, without written permission of the property owner.

"Graffiti" - means the defacing of public or private property by means of painting, drawing, writing, etching, carving with knives, carving with scribes, or any similar method without the written permission of the property owner.

"Individual" - means one or more persons acting alone or in concert to apply graffiti upon public or private property. Said individual(s) may or may not be gang members.

"Property Owner" - a person owning, leasing, occupying or having control or possession of any property within Unincorporated Arapahoe County.

"Sheriff" - means the Sheriff of Arapahoe County, Colorado or the Undersheriff in the absence of the Sheriff

"Tag" or "Tagging" - graffiti placed upon public or private property by one or more individuals.

"Unincorporated Arapahoe County" - that portion of Arapahoe County, Colorado not within the corporate boundaries of a municipality.

## C) APPLICABILITY

This ordinance shall apply to all portions of unincorporated Arapahoe County.

## **SECTION II. REGULATIONS AND VIOLATIONS**

**A) GRAFFITI PROHIBITED.**

It shall be a violation of this ordinance for any individual, person or gang member to paint, spray paint, draw, write, etch, "Tag", carve, or by any similar method whatsoever, deface any public or private property except with the written permission of the owner of said property.

**B. VIOLATIONS.**

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S. may be followed by any arresting officer for any such violation.

**SECTION III. ENFORCEMENT**

The provisions of this ordinance shall be enforced by the Arapahoe County Sheriff.

**SECTION IV. DISPOSITION OF FINES**

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County upon conviction.

**SECTION V. SEVERABILITY**

If any one or more of the provisions of this ordinance are determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

**SECTION VI - SAFETY CLAUSE**

The ordinance shall take effect upon the adoption. This is necessary for the immediate preservation of the public safety and public health, due in part to the need to control activity subject to this ordinance as soon as possible.

**BOARD OF COUNTY COMMISSIONERS**

**ARAPAHOE COUNTY, COLORADO**

John J. Nicholl, Chairman

I, Marjorie Page, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read, and ordered published at a regular meeting of the Board of County Commissioners on the 26th day of April, 1994. At a public hearing held on the 17th day of May, 1994, the Ordinance was taken under advisement. The Ordinance was adopted, approved and ordered published as adopted on May 17, 1994.

ATTEST:

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Marjorie Page, Clerk to the Board

**BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS**

**ARAPAHOE COUNTY, COLORADO**

**INTRODUCED, READ AND ORDERED PUBLISHED ON THE 26th day of April, 1994 at a regular meeting of the Board of County Commissioners.**

Date of initial publication: May 5, 1994

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT AT A PUBLIC HEARING HELD  
on the 17th day of May, 1994.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 17th day of May,  
1994.

Date of publication after adoption: May 26, 1994.

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Marjorie Page, Clerk to the Board

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