

Graffiti Information

Graffiti Hotline

719.553.2501

If you know of any graffiti within the city limits, please contact the Removal Program.

Sec. 11-9-1. Purpose and intent.

The City Council finds and determines that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Graffiti promotes blight in the neighborhoods in which it occurs and encourages similar acts of vandalism. Unless the City acts to remove graffiti from public and private property, the graffiti tends to remain. Without prompt and immediate removal of graffiti, other properties become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the City and its citizens. The City Council further finds and declares that, to be truly effective in the deterrence, eradication and removal of graffiti, it is necessary to implement a comprehensive anti-graffiti ordinance.

Sec. 11-9-2. Definitions

Aerosol paint container means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

Broad-Tipped marker means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble.

Etching equipment means any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

Graffiti means any unauthorized inscription, word, figure, painting or other marking that is written, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent the graffiti was not authorized in advance by the owners or occupants of the property or, despite advance authorization, is otherwise deemed a public nuisance by the City Counsel.

Graffiti implement means an aerosol paint container, broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made

surface.

Minor means any person under the age of eighteen (18) years.

Paint stick or graffiti stick means any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth of an inch in width.

Person means any individual, partnership, association, corporation, Limited Liability Company, personal representative, receiver, trustee, assignee or any other legal entity.

Responsible party means a person other than the owner of property who has primary responsibility for the control of the property or for repair or maintenance of the property.

Sec. 11-9-3. Prohibited Acts

It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any City-Owned property or on any non-City-Owned property. It shall be an affirmative defense to a violation of this Subsection (a) that the graffiti was applied with the permission of the owner or occupant on any non-City-Owned property. It shall be unlawful for any minor to buy or carry on his or her person any graffiti implement. It shall be an affirmative defense to a violation of the Subsection (b) that the minor was carrying or possessing the graffiti implement with the consent of the minor's parent, guardian, school teacher, or that the minor was using or applying any graffiti implement under the direct supervision of such minor's parent, guardian, or school teacher.

Sec. 11-9-4. Prohibition on display and sale.

It shall be unlawful for any person, other than a parent, legal guardian or school teacher, to sell, exchange, give, loan or otherwise furnish, or cause or permit to be exchanged, given, loaned or otherwise furnished, any aerosol paint container, broad-tipped marker or paint stick to any minor without the written consent of the parents or guardian of the minor.

Sec. 11-9-5. Penalty.

Any violation of Section 11-9-3(a) if this Chapter is a class 1 municipal offense, provided that if the person was under eighteen (18) years of age on the date of violation, the court shall not impose a jail sentence. Any person found guilty of violating Section 11-9-3(a) of this Chapter shall, in addition to any sentence of jail time, pay a fine of not less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for the third or any subsequent offense. Any violation of any provision other than Section 11-9-3(a) of this Chapter is a Class 2 municipal offense, in addition to any punishment imposed for violation

of Section 11-9-3(a) of this Chapter, the court shall order any violator to make restitution to the victims for damages or loss caused by the violator's offense in the amount or manner determined by the court. In the case of an unemancipated minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make restitution, but such liability shall not exceed the damages set forth in Section 13-21-107(1), C.R.S. Community service. In lieu of, or as part of, any punishment imposed for violation of either Section 11-9-3(a) or (b) of this Chapter, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:

The minor or adult perform at least thirty (30) hours of community service.

At least one (1) parent or guardian of the unemancipated minor shall be in attendance a minimum of fifty (50 %) of the period of assigned community service.

Sec. 11-9-7. Graffiti as nuisance.

The existence of graffiti on public or private property in violation of this Chapter is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this Chapter. It is the duty of both the owner and responsible party of property to which graffiti has been applied to at all times keep the property clear of graffiti.

Sec. 11-9-8. Removal of graffiti.

It is unlawful for the owner or responsible party of property upon which graffiti exists or has been applied in the City to permit such graffiti to remain for a period of ten (10) days after service by certified mail of notice of the graffiti.