

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #03-2016

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 26, “OFFENSES”, ARTICLE IV, “OFFENSES AGAINST PROPERTY”, DIVISION 1 “GENERALLY”, BY THE ADDITION OF SECTION 26-92 “GRAFFITI PROHIBITED”.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Section 26-92, State Law, Graffiti Prohibited, under Chapter 26 “Offenses”, Article IV “Offenses Against Property”, Division 1 “Generally”, be added to hereafter read as follows:

Chapter 26 “Offenses”
Article IV “Offenses Against Property”
Division 1 “Generally”

Section 26-92. Graffiti prohibited; possession of spray paint by underage persons.

- (a) As used in this section, the term "spray paint" shall mean any adherent pigmented substance disbursed in particles by means of atomizer or other simple mechanical instrument or applicator.
- (b) No person under 18 years of age shall purchase or possess, except on property owned or occupied by a parent or legal guardian of such person, any containers used to dispense, or capable of dispensing, spray paint.
- (c) No person shall maliciously deface the real or personal property of another, including public property or that of any public utility serving the city, by the application of spray paint to such property, without the authorization of the owner.
- (d) In addition to other penalties provided by this Code, any individual convicted of violating subsection (c) of this section may be required by the court, at the option of the owner of property defaced by the graffiti, to assist in its removal.

SECTION 2. Repeal.

All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be deemed invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance deemed invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 22nd day of March, 2016.

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park