



## Legislation Text

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**File #: 000426, Version: 0**

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000426  
ORIGINAL

ALD. SANCHEZ

An ordinance relating to graffiti vandalism on certain kinds of property and providing a penalty.

110-15.5 rc

- Analysis -

This ordinance increases the penalty for persons who affix graffiti to a war memorial, a military cemetery or a religious assembly. The ordinance also increases the penalty for graffiti on property occupied by a veterans' organization and property owned or occupied by the federal, state or city government. The penalty for graffiti on these kinds of property is a forfeiture of \$1,000 to \$10,000 per violation. The ordinance makes no change in the penalty for graffiti on other types of property, which is a forfeiture of \$500 to \$5,000. Upon default of payment, a person convicted of either type of graffiti may be imprisoned for up to 90 days.

Whereas, Graffiti is a serious vandalism problem that demonstrates the violator's disrespect for other people's property and for the values of the community as a whole; and

Whereas, Such vandalism constitutes an egregious attack on every resident of this community when it is committed against properties that commemorate the service and sacrifice of this country's military veterans, house our religious institutions and represent the values of the United States and the democratic form of government; and

Whereas, It is therefore appropriate to impose higher penalties on the graffiti vandals who abuse those properties that represent the most deeply-held values of our society; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 110-15.5 of the code is repealed and recreated to read:

110-15.5. Vandalism - Graffiti Related. 1. DEFINITIONS. In this section:

- a. "Graffiti" means any inscription, word, figure or design marked, scratched, etched, written, drawn or painted on any public or private property without the express permission of the owner or operator of the property.
- b. "Military cemetery" means a cemetery or portion of a cemetery used for the burial of military veterans. The term includes mausoleums, memorials, fences and other structures on the cemetery premises.
- c. "Public property" means any building or structure owned or exclusively occupied by the United States, the state of Wisconsin or the city of Milwaukee. The term includes buildings, bridges, fences, parking garages, signs, lamp posts, towers and benches.
- d. "Religious assembly" means a facility where people regularly assemble for religious worship, and religious education incidental to that worship, and that is owned or occupied by a religious body organized for the purposes of public worship. The term does not include a day care facility, pre-school, elementary school, secondary school, college or any other institution that conducts regular, weekday classes of education that are not incidental to religious worship.
- e. "Veterans' organization" means any association or group that is composed of military veterans and whose activities focus on the interests of United States veterans. The term includes AMVETS, American Legion, Disabled American Veterans, Veterans of Foreign Wars and the Vietnam Veterans of America. The term includes any auxiliary of such an organization.
- f. "War memorial" means any statue, wall, tablet, obelisk or other structure commemorating the sacrifices, contributions and service of members of the United States armed forces.

2. PROHIBITED CONDUCT. No person may affix graffiti to any public or private property, real or personal.

3. PENALTIES. a. A person convicted of affixing graffiti to a military cemetery, war memorial, religious assembly, public property or property occupied by a veterans' organization shall forfeit not less than \$1,000 nor more than \$10,000 per violation or, upon default of payment, be imprisoned for not more than 90 days.

b. A person convicted of any other violation of this section shall forfeit not less than \$500 nor more than \$5,000 per violation or, upon default of payment, be imprisoned for not more than 90 days.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

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CW

6/20/00