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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 1147**

**AN ORDINANCE ADDING SECTION 9.12.070 TO THE VILLAGE  
OF MELROSE PARK MUNICIPAL CODE TO ESTABLISH FINES  
FOR INDIVIDUALS WHO PLACE GRAFFITI ON THE PROPERTY  
OF ANOTHER, FOR THE VILLAGE OF MELROSE PARK,  
COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 11<sup>TH</sup> DAY OF FEBRUARY 2008**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO  
MARY RAMIREZ TACONI**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 12<sup>TH</sup> day of FEBRUARY 2008**

**ORDINANCE NO. 1147**

**AN ORDINANCE ADDING SECTION 9.12.070 TO THE VILLAGE OF MELROSE PARK MUNICIPAL CODE TO ESTABLISH FINES FOR INDIVIDUALS WHO PLACE GRAFFITI ON THE PROPERTY OF ANOTHER, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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**WHEREAS**, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, graffiti is the most common type of vandalism in the United States; and

**WHEREAS**, across the United States, cities are using taxpayer dollars to clean up graffiti and government agencies estimate that it costs municipalities anywhere from four to fifteen billion and no/100 U.S. dollars (\$4,000,000,000.00 to \$15,000,000,000.00) a year to remove graffiti; and

**WHEREAS**, graffiti may, among other things, decrease property values, increase taxes, reduce retail sales, spawn crime and generate the perception of blight in a community; and

**WHEREAS**, to ensure that graffiti does not become an issue in the Village, the President and the Village Board have determined that the Village of Melrose Park Municipal Code (the “Village Code”) should be amended to fine individuals who place graffiti on the real or personal property of another and to establish a system whereby certain individuals may be eligible for a reward when they provide information to the Village that results in the arrest and conviction and/or fine of the party responsible for placing graffiti on the real or personal property of another; and

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to add Section 9.12.070 to Chapter 9.12 of the Village Code to provide for fines when individuals place graffiti on the real or personal property of another and to establish a system whereby individuals may be eligible to receive a reward for providing information to the Village that results in the arrest and conviction and/or fine of the party responsible for placing graffiti on the real or personal property of another.

**Section 03. Invocation of Authority.**

This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Sections 05 - 09. Reserved.**

**ARTICLE II.  
ADDITION OF SECTION 9.12.070 TO THE  
VILLAGE OF MELROSE PARK MUNICIPAL CODE**

**Section 10.00 Addition of Section 9.12.070, Graffiti.**

That Section 9.12.070 is hereby added to Chapter 9.12 of the Village Code notwithstanding anything to the contrary, and shall read as follows:

- A. As used in this section, the term "Graffiti" shall be defined as any sign, symbol, marking, drawing, name, initial, word, diagram, sketch, picture or letter placed upon the real or personal property of an owner of property without the owner's express, written permission.
- B. It shall be unlawful for any person to place Graffiti upon the real or personal, public or private property of another.
- C. It shall be unlawful for the owner and/or occupant of fixed real or personal property located within the public view to place or give permission to place Graffiti, as defined in Subsection A of this Section, on such real or personal property if the Graffiti incites violence by referring to gang or criminal activity, depicts or expresses obscenity by referring to sexual activity or contains defamatory material about a public or private person.
- D. It shall be unlawful for any person to possess, while in any public building or facility or while on private property, any of the following materials with the intent to use such materials to violate Subsections B and C of this Section: spray paint containers, paint, ink, marking pens containing non-water-soluble fluid, brushes, applicators or other materials for marking, scratching or etching.
- E. Upon being notified by the Village, the property owner upon whose property Graffiti has been illegally placed shall remove the graffiti within fifteen (15) days of the date of notice. Failure to remove the Graffiti within the specified time shall cause the summary abatement of this nuisance as prescribed in the Village Code, and costs shall be assessed to the owner. Upon conviction, the penalty for the offense of failure to remove Graffiti shall be a fine of not less than fifty and

no/100 U.S. dollars (\$50.00) and not more than seven hundred fifty and no/100 U.S. dollars (\$750.00) for each offense.

- F. The penalty for violating Subsection B of this Section shall, upon conviction, be a fine of not less fifty and no/100 U.S. dollars (\$50.00) and not more than seven hundred fifty and no/100 U.S. dollars (\$750.00). For a second conviction for violating this Section, the minimum fine shall be one hundred and no/100 U.S. dollars (\$100.00). For a third conviction for violating this Section, the minimum fine shall be two hundred fifty and no/100 U.S. dollars (\$250.00). For the fourth or subsequent conviction for violating this Section, the minimum fine shall be five hundred and no/100 U.S. dollars (\$500.00). In addition to any other penalties provided for herein, the offender may also be ordered by a court to pay restitution to the property owner for the cost of restoring the property to the condition that it was in before the Graffiti was applied.
- G. Penalty for violating Subsection C of this Section shall, upon conviction, be a fine of not less than fifty and no/100 U.S. dollars (\$50.00) and not more than seven hundred fifty and no/100 U.S. dollars (\$750.00) for each offense.
- H. Penalty for violating Subsection D of this Section shall, upon conviction, be a fine of not less than fifty and no/100 U.S. dollars (\$50.00) and not more than seven hundred fifty and no/100 U.S. dollars (\$750.00).
- I. In addition to or in lieu of the fines and penalties described in Subsections F, G and H of this Section, a court may require persons convicted of violating Subsection B, C or D of this Section to perform public service work, which may include, without limitation, cleaning Graffiti at locations within the Village.
- J. In addition to other penalties listed in this Section, any person convicted of violating Subsection B, C or D of this Section who is also found to have been a member of or a candidate for gang membership at the time the offense was committed shall, upon conviction, be subject to a fine of not less than five hundred and no/100 U.S. dollars (\$500.00) and not more than one thousand and no/100 U.S. dollars (\$1,000.00)
- K. Rewards and Reimbursements for Information.
  - 1. Any person who provides information that, in the sole and absolute discretion of the Village, leads to the apprehension and conviction of any person violating Subsections B, C and/or D of this Section, may be eligible to receive a reward in an amount of not more than one thousand and no/100 U.S. dollars (\$1,000.00). The Chief of Police shall determine when and if such reward shall be made and the amount of any such reward. Claims for rewards under this Section shall be filed with the Village within ninety (90) calendar days of the conviction and/or imposition of penalties and in the manner specified by the Board of Trustees. No claim for a reward shall be allowed unless the Village investigates and verifies the accuracy of the claim and determines that the

requirements of this Section have been satisfied. In paying the award, the Village shall consider the amount collected from fines imposed for violations of Subsections B, C and/or D of this Section.

2. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the Village for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the Village in the manner it shall deem appropriate.
3. The Village of Melrose Park Police Department shall establish or maintain a telephone reporting system with a dedicated telephone number that will permit anonymous telephone callers to report violations and enable such persons to claim the reward provided for herein.
4. All members of the public are eligible to file for and collect this reward, with the exception of: Village employees while on duty or in a Village-owned vehicle, Melrose Park police officers and public employees and independent contractors whose duty it is to investigate and/or enforce this Section.

**Section 11.00 Other Actions Authorized.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

**Sections 12.00 – 15.00. Reserved.**

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 16.00 Headings.**

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive

provisions of this Ordinance.

**Section 17.00 Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 18.00 Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**Section 19.00 Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Mota,  
Trustee Prignano, Trustee Taconi


NAY VOTES:

ABSTAIN:

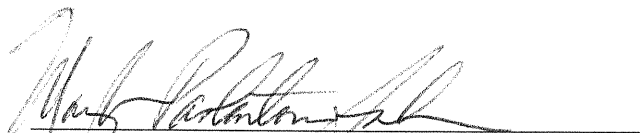
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS ELEVENTH DAY  
OF FEBRUARY 2008, A.D.

APPROVED:

  
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RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
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Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: February 11, 2008  
Published in Pamphlet Form: February 12, 2008