

INTRODUCED BY:

Frank A. Mullens, Jr., Mayor

ORDINANCE NO:

2354

REFERRED TO:

APPROVED ON:

7/18/24

AN ORDINANCE TO AMEND SECTION 533.5 OF ARTICLE 533 OF THE CITY CODE OF THE CITY OF SOUTH CHARLESTON CONCERNING INJURY OR DESTRUCTION OF PROPERTY OR MONUMENTS

WHEREAS, the City Code currently prohibits graffiti on any natural or man-made surface of any public or private property without the authorization of the owner; and

WHEREAS, the current City Code does not define the term "graffiti"; and

WHEREAS, the City has experienced instances in which political candidates have used chalk on city property to promote their candidacy for election; and

WHEREAS, the City should not be seen as promoting any candidate for political office or promoting any political party or political issue for election; and

WHEREAS, Section 533.05 of the South Charleston City Code, entitled "Injury Or Destruction Of Property Or Monuments" should be amended to define the term "graffiti" and to prohibit, on public property, the use of sidewalk chalk or any other medium to promote a political candidate, political party, or political issue;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH CHARLESTON, WEST VIRGINIA, THAT ARTICLE 533, SECTION 533.05 BE AMENDED TO READ AS FOLLOWS:

533.05 INJURY OR DESTRUCTION OF PROPERTY OR MONUMENTS.

(a) No person may unlawfully, but not feloniously, take and carry away or destroy, tamper with, injure, or deface any property, real or personal, not his own.

(b) No person may break down, destroy, injure, deface, or remove any monument erected for the purpose of designating the boundaries of the municipality, tract, or lot of land, or any tree marked for that purpose.

(c) No person may apply graffiti to a natural or man-made surface of any public or private property without the authorization of the owner.

(d) No person may apply graffiti using sidewalk chalk or any other medium on public property for the purpose of promoting or opposing any political candidate or political party.

(e) For purposes of this section, "graffiti" means any inscription, word, figure, visual communication, painting, or other depiction that is written, marked, etched, scratched, sprayed, drawn, painted, engraved, or otherwise affixed to any surface of public or private property, by any implement, to the extent it was not authorized in

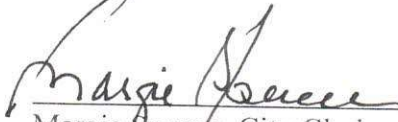
advance and in writing by the owner of the property. The term "graffiti" does not include the following:

(1) Temporary and easily removable chalk or other water soluble markings that are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch, or similar markings.

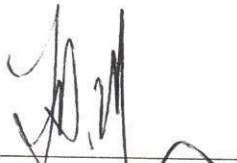
(2) Markings authorized by law, including but not limited to markings for underground utilities.

This ordinance shall take effect immediately upon passage.

ATTEST:



Margie Spence, City Clerk



Frank A. Mullens, Jr., Mayor

This ordinance was prepared by Moore & Biser PLLC, City Attorney.