

**WOODBURY COUNTY, IOWA**  
ORDINANCE NO. 7

TITLE: An ordinance restricting minors from purchasing or possessing spray paint contained in cans larger than three fluid ounces within the unincorporated area of Woodbury County, Iowa. This ordinance may be known and cited as the "County Anti Graffiti Ordinance" of Woodbury County, Iowa.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA:

SECTION 1: **Definitions.** As used in this ordinance, unless the context otherwise requires:

- (1) Minor - an unemancipated person who has not yet reached their 18th birthday.
- (2) Parent - a person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands in loco parentis, or by virtue of Court order.

SECTION 2: **Spray paint restrictions.**

1. No person shall sell, give, supply or otherwise transfer any spray paint in cans larger than three fluid ounces to any person knowing or having reasonable cause to believe that the person is a minor without the personal or written consent of a parent, guardian or other person having the legal care or custody of such minor and displayed by the minor upon demand.

2. A minor shall not purchase a spray paint container in cans larger than three fluid ounces.

3. No minor shall, at the time of purchase of any spray paint container, furnish fraudulent evidence of majority.

4. No minor shall possess a spray paint container in cans larger than three fluid ounces on any public property or any private property within the unincorporated area of Woodbury County, Iowa except with the knowledge, presence and consent of the lawful owner or manager of said private property, or with the signed, written consent of the lawful owner or manager of said private property, specifying the date and place for possession and displayed by the minor upon demand.

5. No minor shall possess a spray paint container, liquid paint in cans or other containers in any public building, or upon any public facility or private property within the unincorporated area of Woodbury County, Iowa, absent the knowledge, presence and consent of the person's parent or guardian, or the lawful owner or other person having control thereof, or with the signed, written consent of the parent or guardian, or the lawful owner or other person having control of said property thereof, specifying the date and place for possession, and displayed by the minor upon demand.

6. Any person, firm or corporation operating a place of business, located within the unincorporated area of Woodbury County, that includes the sale of any spray paint container shall have posted in a conspicuous place a sign which clearly states that: "It is a simple misdemeanor and/or a civil infraction to sell spray paint in cans larger than three fluid ounces to any person under the age of eighteen (18) years."

**SECTION 3. General Intent.** No minor shall intentionally cause any damage, defacing, alteration or destruction of any tangible property using a spray paint container, liquid paint cans or other containers without the right to do so.

**SECTION 4. Penalty Clause.** The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Any minor, parent, guardian or other adult person having the care, custody and control of a minor, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction, shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate offense.

The violation of any of the provisions of this ordinance shall also constitute a civil infraction. Any minor, parent, guardian or other adult person having the care, custody and control of a minor, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon judgment shall be subject to the following fine schedule: First violation one hundred dollars (\$100.00); second violation two hundred dollars (\$200.00); each repeated violation (\$200.00). Each day that a violation occurs or is permitted to exist constitutes a separate violation.

**SECTION 5. Repealer Clause.** All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**SECTION 6. Severability Clause.** Should any section, subsection, sentence, clause, phrase, provision or portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

**SECTION 7. Effective Date.** This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

This Ordinance passed and approved by the Board of Supervisors of Woodbury County, Iowa, on this 4th day of February, 1997.

First Hearing: 12/31/96

Second Hearing: 01-28-97

Third Hearing: 02-04-97

WOODBURY COUNTY BOARD OF SUPERVISORS

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County Auditor