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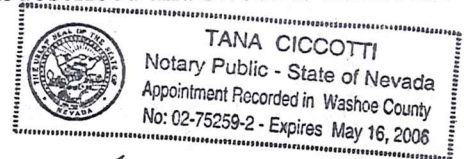
ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **04/29/2005 - 05/06/2005**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Julia Ketcham*

**MAY 10 2005**

Subscribed and sworn to before me



*Tana Ciccotti*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1265 NOTICE IS HEREBY GIVENTHAT: Bill No. 1444, Ordi- nance No. 1265 entitled "An ordinance amending theWashoe County Code by mak- ing the possession of graffitimaterials unlawful under cer- tain circumstances, regulatingthe display of graffiti materi- als, and providing other mat- ters properly relating thereto" was adopted on April 26, 2005by Commissioners Galloway,Humke, Larkin, Sferrazza, andWeber. This ordinance shall bein full force and effect fromand after May 6, 2005. Typewritten copies of the ordi- nance are available for inspec- tion by all interested personsat the office of the CountyClerk, 350 South Center Street,Suite 100, Reno, Nevada. AMY HARVEY, Washoe CountyClerk and Clerk of the Board ofCounty Commissioners No. 35651 Apr.29, May 6,2005



SUMMARY: An ordinance amending Washoe County Code by making the possession of graffiti materials unlawful under certain circumstances and regulating the display of graffiti materials.

BILL NO. 1444

ORDINANCE NO. 1265

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY MAKING THE POSSESSION OF GRAFFITI MATERIALS UNLAWFUL UNDER CERTAIN CIRCUMSTANCES, REGULATING THE DISPLAY OF GRAFFITI MATERIALS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 50 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this ordinance.

SECTION 2.

50.261 Possession of graffiti materials.

1. It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti materials while on any school property, grounds, facilities, buildings, or structures or within 500 feet of those specific locations except where necessary for proper school or authorized art related purposes, or upon public property except with the prior approval of the appropriate public entity for proper educational, recreational, or other authorized purposes, or upon private property without the prior consent of the owner or occupant of such private property.

2. It shall be unlawful for any person to possess any graffiti materials with the intent to place graffiti on any public property while in or upon any public facility, school, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the County or while in or within fifty (50) feet of any underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the County. Possession of more than three items defined as graffiti materials by any person while in or upon any location specified in this subsection shall create a rebuttable

presumption that such person did intend to place graffiti on property.

### SECTION 3.

#### 50.2611 Accessibility to graffiti materials.

1. For purposes of this section only, graffiti materials shall be defined as aerosol paint containers, broad-tipped markers with a surface area greater than 1/4 inch width, paint sticks and etching cream.

2. Sale of graffiti materials. It shall be unlawful for any person, other than a parent, legal guardian, school teacher or authorized art instructor, to sell, exchange, give, loan, or otherwise furnish or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti materials to any juvenile without the prior written consent of the parent or guardian of the juvenile.

3. Display and storage.

(a) Every person who owns, conducts, operates, or manages a retail commercial establishment selling graffiti materials shall store the graffiti materials in an area continuously observable, through direct visual observation or surveillance equipment by employees of the retail establishment during the regular course of business.

(b) In the event that a commercial retail establishment is unable to store the graffiti materials as provided above, the establishment shall store the graffiti materials in an area not accessible to the public in the regular course of business without employee assistance.

SECTION 4. Section 50.260 of the Washoe County Code is hereby amended to read as follows:

50.260 Definitions. As used in sections 50.260 to 50.270, inclusive:

1. "Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

2. "Graffiti" means any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on the public or private property, real or personal, of another, which defaces such property and cannot be removed with soap and water.

3. "Graffiti materials" means materials used to facilitate the

placement of graffiti, as defined above, including but not limited to, aerosol paint containers, aerosol paint container tips, broad-tipped markers with a width greater than 1/4 inch, paint sticks, graffiti sticks, engraving devices, etching tools and chemicals or any other implement capable of marking on and/or scarring glass, metal, concrete or wood.

4. "Paint stick or graffiti stick" means a device containing a solid form of paint, wax epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of an inch in width.

Section 5. The provisions of this ordinance shall be in full force and effect on and after June 1, 2005, except Section 3.3 which will be effective December 1, 2005.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 12<sup>th</sup> day of APRIL, 2005.  
Proposed by Commissioner WEBER.  
Passed on the 26<sup>th</sup> day of APRIL, 2005.

Vote:  
Ayes: GALLOWAY, HUMKE, LARKIN,  
SEARRAZZA & WEBER

Nays: (NONE)

Absent: (NONE)

Bonnie Weber  
Chairman  
Washoe County Commission

ATTEST:  
Romy Hawey  
County Clerk

This ordinance shall be in force and effect from and after the 6<sup>th</sup> day of MAY, 2005.