

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-74. Vandalism.

(a) Vandalism is defined as: the willful or malicious damaging or defacing, within the corporate limits of the city, of another person's real or personal property, without the other person's consent.

(b) It is unlawful to engage in any act of vandalism.

(c) Any parent, guardian or other person having legal custody of the minor, whose minor child is convicted of a violation of this section, shall be liable in a civil action to the lawful owner of the property for the costs of repairing or removing the vandalism up to an amount of ten thousand dollars (\$10,000), or the actual costs incurred, whichever is less.

(d) Prior to July 17, 1994, Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service as a condition of sentence.

(e) Effective July 17, 1994, any person under the age of eighteen years who is convicted of a violation of this section shall be guilty of a class one misdemeanor and shall be subject to a mandatory minimum fine of fifty dollars (\$50.00). The court may order the child to pay a maximum fine of one hundred and fifty dollars (\$150.00), plus lawful surcharges and assessments. The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service and successfully complete counseling or other educational programs as a condition of sentence.

(f) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class one misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00), Together with the surcharge required by this chapter, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00), Together with the surcharge required by Section 13-75, which may not be waived or suspended. The court may additionally require such persons be placed on probation, perform community service, to successfully complete counseling or other educational programs and order restitution to the city for the costs of prosecution and court costs as a condition of sentence.

(Ord. No. 92-04, 2/11/92, Enacted)

(Ord. No. 94-31, 7/5/94, Amended)

(Ord. No. 94-59, 8/2/94, Amended)