

CITY OF MELVINDALE
ORDINANCE NO: 731

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF MELVINDALE BY THE REPEAL AND RE-ADOPTION OF SECTION 15-116 OF ARTICLE IV “OFFENSES AGAINST PROPERTY” IN CHAPTER 15 “OFFENSES” TO PROHIBIT (WITH CERTAIN EXCEPTIONS) THE POSSESSION AND SALE OF PAINT AND PERMANENT MARKERS TO MINORS.

THE CITY OF MELVINDALE ORDAINS:

ARTICLE I. Amendment: That Section 15-116, Paint, under Chapter 15, Offenses, Article IV, Offenses against Property, is hereby repealed and re-adopted to hereafter read as follows:

Section 15-116. Paint and Permanent Markers.

- (a) No person under the age of 18 years shall possess paint containers or permanent markers, except:
 - (1) In the course of such person’s employment;
 - (2) During or as part of a bona fide education or training program;
 - (3) With the consent and under the supervision, or pursuant to the written authorization, of such person’s parent or guardian.
- (b) A person violating this section or Section 15-112 shall be required to perform the necessary labor to clean up, repair, or replace any property damaged, or to pay any costs incurred by the owner of such property related to the cleanup, repair or replacement of property damaged by such person, in addition to the penalty proscribed for violations of the Code.
- (c) Except for the reasons cited in Section (a), no person shall sell or transfer possession of any paint, or permanent type of marker to another person under 18 years of age, except as provided below.

- (d) A person making a sale or transfer of possession of paint, or permanent type of marker to a person under 18 years of age for one of the reasons cited in section (a) and who exhibits the written consent of his parent or guardian, shall record the name, address, sex and age of the juvenile and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent type register available for inspection by the police department for a period of at least six months.

ARTICLE II. Penalty: A person violating this ordinance shall be punished as a misdemeanor, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, including, but not limited to, a conflicting State law, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Saving Clause: Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance; nor shall the remaining Sections of this Ordinance be affected in any way, except as specifically amended herein.

ARTICLE V. Conflicting Ordinances: All prior existing ordinances adopted by the City of Melvindale inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE VI. Reading and Publication: This Ordinance shall be given a first reading on September 3, 2008 and a second reading on September 17, 2008 and shall be adopted on September 17, 2008, shall be published and posted on or before September 28, 2008, and shall be effective September 17, 2008.

ADOPTED, APPROVED AND PASSED by the Council of the City of Melvindale this 17th day of September.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by Council of the City of Melvindale at a regular meeting held on September 17, 2008.

Kelly L. Blevins, City Clerk

The undersigned hereby certifies that the foregoing Ordinance was duly published by posting copies thereof in three (3), conspicuous places in the City of Melvindale on the 28th day of September, to wit:

1. City Hall, 3100 Oakwood Boulevard_____
2. Ice Arena, 4300 S. Dearborn Road_____
3. Library, 18650 Allen Road _____

and by publishing a summary of the foregoing Ordinance in the News Herald Newspaper on the 28th day of September.

Kelly L. Blevins, City Clerk