



Request for City Council Committee Action from the Department of Licenses and Consumer Services

Date: August 9, 2006
To: Council Member Don Samuels
Referral to: Public Safety and Regulatory Services Committee

Subject: Display and sale of aerosol paint containers

Recommendation: That the City Council adopts an amendment to Chapter 223 of the Minneapolis Code of Ordinances that restricts the sale of aerosol paints to minors.

Previous Directives:

Prepared by: Grant Wilson, Licenses and Consumer Services

Approved by: _____
Ricardo Cervantes, Deputy Director, Licenses and Consumer Services

Burt Osborne, Director, Licenses and Consumer Services

Rocco Forte, Assistant City Coordinator

Presenters in Committee: Council Member Schiff

Financial Impact

- No financial impact
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Action is within the Business Plan
- Action requires a change to the Business Plan
- Other financial impact
- Request provided to the Finance Department when provided to the Committee Coordinator

Community Impact

Preventing easy access to spray paint will assist in the City's efforts to control instances of Graffiti. Although this action is no panacea for eradicating graffiti, it is another tool that will assist in curbing graffiti.

Supporting Information

Spray Paint Ordinances

Cities Surveyed:

Austin, TX

Washington D.C.

Milwaukee, WI

Phoenix, AZ

Pueblo, CO

Albuquerque, NM

Tulare, CA

Reno, NV

All of the cities listed have similar language except Washington D.C. The language of the D.C. ordinance provides more enforcement tools for the city to deal with those who are performing the act of spray painting not those who are selling spray paint.

The City of Milwaukee requires stores selling spray paint or wide tip makers to have the penalty for graffiti posted as well as the sign that displays the penalty for selling spray paint to individuals under the age of 18 behind the counter.

Pueblo, CO, Reno, NV, and Tulare, CA require that a business establishment selling graffiti making materials to be place them in an area that can be continuously observed by employees or surveillance. If this cannot be done the items listed shall be put in a place where the only way a person can access them is with the assistance of a business employee. Albuquerque, NM guidelines are the same but they only apply to aerosol spray paint.

Phoenix, AZ is the most restrictive of the cities surveyed. It requires that any store selling spray paint, broad-tipped indelible markers, or etching solution not be readily accessible to a customer without employee assistance.

The City of Austin's guidelines are more related to the intoxicating effects of selling glue or aerosol paint to minors. The law requires any store allowing people under the age of 17 to have aerosol spray paint in place where a customer will need employee assistance to access the spray paint.