

From: [Rosenson, Valerie](#)
To: [Emmett, Kathryn](#); [Isidro, Judith](#)
Cc: [Quinones, Matt](#)
Subject: Request for Legal Opinion.
Date: Wednesday, July 15, 2020 1:12:37 PM

Kathy -

President Quinones is requesting a legal opinion regarding the Black Lives Matter mural painting event scheduled for downtown Stamford on this Sunday, July 19th. This request is based upon concerns raised by Representative McMullen.

In particular, Rep. McMullen has raised concerns that this event violates the charter, the Code of Ordinances or State statute. Rep. McMullen has raised the following possible concerns:

- 1) The event would violate state traffic regulations concerning messages that might distract a driver;
- 2) The Mayor does not have authority to permit "the defacing of public property"; or
- 3) The event is a violation of the graffiti and blight ordinances, in that the consent of the property owner, in this case the residents of Stamford, is required and at a minimum the Board of Representatives should have been consulted.

Rep. McMullen's entire email is below.

Thank you,
Valerie

Valerie T. Rosenson
Legislative Officer
Board of Representatives
888 Washington Boulevard, 4th Floor
Stamford, CT 06904-2152
203.977.5032
VRosenson@StamfordCT.gov

From: Quinones, Matt
Sent: Wednesday, July 15, 2020 12:38 PM
To: Rosenson, Valerie
Subject: Fw: Legal Opinion Regarding Graffiti Proposed for Intersection of Broad St., Atlantic St., and Bedford St.

From: J.R. McMullen <jrmcmullen.stamford18@gmail.com>
Sent: Wednesday, July 15, 2020 12:27 PM
To: Quinones, Matt
Subject: Legal Opinion Regarding Graffiti Proposed for Intersection of Broad St., Atlantic St., and Bedford St.

Hi Matt,

We need a legal opinion as to whether or not the charter, our ordinances, or state statute allow the Mayor to authorize graffiti to be applied to our streets. I don't believe our local codes allow this kind of activity and I would be surprised if the state's traffic rules allow the application of messages that distract a driver's attention. Where in the charter is the Mayor given the authority to approve the defacing of public property.

We have ordinances prohibiting both graffiti and blight in the city of Stamford. We should have relied on those ordinances to tell this group no. Any marking requires the consent of the owner (the residents of Stamford) which the Mayor does not have and who the Board of Representatives represent. At a minimum this "project" should have been submitted to the Board of Representatives for a vote. The owners haven't even been consulted but many of them are expressing their concern now that they have been informed of this breach of faith by the Advocate.

Several members of the Board of Representatives have received calls from constituents who are offended by the proposal to paint "Black Lives Matter" at a major intersection in our city. I don't have to tell you that a significant population within this city perceives their message to be divisive. Regardless of your position on the message, if the city sanctions this graffiti we will be opening a Pandora's box. We will not be able to say no to someone who wants to change the message to "All Lives Matter" or even to someone who wants to paint a big swastika (something that already happened innocently at this intersection and caused grave concern). Once we go down this path we will not be able to say no to any group without risking litigation.

Sec. 140-1. - Definitions.[2]

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For the purpose of this chapter, the following terms shall have the following meanings:

Graffiti shall mean any letters, numbers, word or words, writings or inscriptions, symbols, drawings, carvings, stickers, etchings or any other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages or destroys the real or personal property of another. This chapter shall not be construed to prohibit easily removable chalk markings on public sidewalks and streets used in connection with traditional children's games.

Sec. 140-2. - Prohibited acts.[3]

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- (a) No person shall write, paint or place any paint, chalk or any other substance or substances or otherwise mark, scratch, place, carve or etch graffiti on the real or personal property of another, whether said real or personal property be publicly or privately owned, unless the owner of such property has specifically consented to the same, prior to the commission of such act or acts.

From the blight code:

- 7) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.
- (d) Property maintenance violations shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by a complaint(s) from adjoining and nearby property owners.

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Trying to help other people at all times,

J.R. McMullen
(203) 979-8360
Representative District 18
165 Slice Drive
Stamford, CT 06907

