

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor Jeff Stone

**SUBMITTAL DATE:**  
September 27, 2005

**SUBJECT:** Ordinance No. 733.2

**RECOMMENDED MOTION:** That the Board of Supervisors introduce and adopt Ordinance No. 733.2, which provides for a Graffiti Implement Sales License.

**BACKGROUND:** This amendment requires each seller of "graffiti implements" to obtain an annual business license (and to pay an annual business regulatory fee). The collected fees will be used as a funding mechanism to monitor the sales practices of such sellers (and to thereby confirm that those practices comply with other subsections of Ordinance 733 which regulate the sale of graffiti implements). Each annual period runs from July 1 through June 30 of the following year. By March 31 (or about 3 months before the start of an annual period), the Building and Safety Department will estimate (or re-estimate) the amount of the annual fee per sale location. Beginning on the following day (April 1), sellers can submit their annual applications and pay their annual fees. Each separate sale location will require the submittal of an application and the payment of a fee. The Department of Building and Safety will also issue the annual licenses. As defined, "graffiti implements" include aerosol paint containers, indelible felt tip markers, paint sticks (which are defined broadly to include such items as ordinary crayons and ordinary chalk), etchers, gummed labels or stickers (regardless of their size), paint balloons, and rubber stamps or stamping devices (regardless of their size). Enforcement will be via administrative and/or civil and/or criminal avenues.

Departmental Concurrence

  
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Jeff Stone, Supervisor Third District

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1 ORDINANCE NO. 733.2

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 733.1,  
3 TO PROVIDE FOR A GRAFFITI IMPLEMENT SALES LICENSE

4  
5 The Board of Supervisors of the County of Riverside, State of California, Ordains as

6 Follows:

7 Section 1. A new subsection 2.L. is added to the list of definitions to read as follows:

8 L. Graffiti Implements. Aerosol paint containers, felt tip markers, paint sticks,  
9 etchers, gum labels, paint balloons, stamp or stamping devices, tips that can be attached to  
10 an aerosol paint container, nozzles that can be attached to an aerosol paint container, or  
11 spray actuators as defined in this ordinance.

12 Section 2. A new Section 11 is added to read as follows:

13 Section 11. Graffiti Implement Sales License

14 A. Beginning on July 1, 2006, it shall be unlawful for any person to sell, offer  
15 for sale, display for sale, or otherwise make available for sale (within unincorporated  
16 Riverside County) any graffiti implement unless that person then holds a valid annual  
17 Graffiti Implement Sales License. A valid annual Graffiti Implement Sales License will  
18 hereinafter be referred to as a "GIS License".

19 B. Each GIS License shall cover an annual period that extends from the  
20 beginning of the day on July 1 until the end of the day on June 30 of the following year.

21 A GIS License shall be obtained in advance (in the manner specified by this ordinance) by  
22 any person who intends to sell any graffiti implement during a particular annual period (or  
23 during any part of that annual period).

24 C. The issuing department for GIS Licenses will be the Department of  
25 Building and Safety for the County of Riverside. Upon the submission to that department  
26 of a properly filled-out application for a GIS License (and the payment to that department  
27 of the annual regulatory fee for a GIS License), that department shall issue a GIS License  
28 to the applicant. In order to obtain the issuance of a GIS License for a particular annual

1 period, the applicant shall submit its application and pay its fee no earlier than the April 1  
2 date (that is three months prior to the commencement of the annual period for which the  
3 GIS License is being requested) and no later than June 29 (of the annual period for which  
4 the GIS License is being requested). If a GIS license is issued after July 1 of the annual  
5 period for which the license is issued, it shall not have the retroactive effect of legalizing  
6 any unlawful act or omission (regarding graffiti implements) that may have occurred  
7 between July 1 and the date of license issuance.

8 D. The annual regulatory fees for GIS Licenses shall be used to fund the  
9 following activities and operations of the Department of Building and Safety of the County  
10 of Riverside (and its Code Enforcement Division): they shall be used to fund efforts to  
11 identify and compile a list of those individuals and companies that are selling or otherwise  
12 furnishing graffiti implements or paraphernalia (within the meaning of sections 5 and 6 of  
13 this ordinance); they shall be used to fund efforts to compile a list of the stores and other  
14 locations from which graffiti implements or paraphernalia are being sold or otherwise  
15 furnished (within the meaning of sections 5 and 6 of this ordinance); they shall be used to  
16 fund the monitoring of such sellers or furnishers in order to confirm that they are not  
17 selling or furnishing graffiti implements or paraphernalia to minors (without receiving the  
18 prior written consent of the parents or lawful custodians of those minors) within the  
19 meaning of section 5 of this ordinance; they shall be used to fund the monitoring of such  
20 sellers or furnishers in order to confirm that they are storing, stocking, and displaying their  
21 stock of graffiti implements and paraphernalia in a manner that is inaccessible (within the  
22 meaning of sections 6.A., 6.B., and 6.C. of this ordinance); they shall be used to fund the  
23 monitoring of such sellers or furnishers in order to confirm that they are properly  
24 displaying the sign that is required by section 6.D. of this ordinance; and they shall be used  
25 to fund the costs of administering the County's GIS License program.

26 E. By March 31, 2006, and by March 31 of each succeeding year, the  
27 Department of Building and Safety for the County of Riverside shall cause to be estimated  
28 (for the annual period beginning approximately three months later) the sum total of funds

1 that will be necessary to fund the regulatory activities and operations described above in  
2 section 11.D, and it shall cause to be estimated (for the annual period beginning  
3 approximately three months later) the sum total of separate locations from which graffiti  
4 implements or paraphernalia will be sold, offered for sale, displayed for sale, or otherwise  
5 made available for sale. Under no circumstances shall the annual regulatory fee per  
6 location (for a GIS License) exceed a dollar amount that is equal to the number obtained by  
7 dividing the sum total of such estimated separate locations into the sum total of such  
8 estimated funds. If a person sells graffiti implements or paraphernalia, offers them for  
9 sale, displays them for sale, or otherwise makes them available for sale out of more than  
10 one separate location during a particular annual period, that person must submit an  
11 application for each and every one of those separate locations, and that person must pay the  
12 annual regulatory fee for each and every one of those separate locations.

13 F. A violation of section 11 of this ordinance is enforceable in the following  
14 manner.

15 1) A violation of section 11 of this ordinance may be charged as either an  
16 infraction or a misdemeanor. If charged as an infraction, such a violation is  
17 punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, a  
18 fine not exceeding two hundred dollars (\$200) for a second violation within one  
19 year, and a fine not exceeding five hundred dollars (\$500) for each additional  
20 violation within one year. If charged as a misdemeanor, a violation of section 11 of  
21 this ordinance is punishable by a fine not exceeding one thousand dollars (\$1,000)  
22 or by imprisonment in the county jail not exceeding six months, or by both such  
23 fine and imprisonment. Payment of any fine or completion of any jail term shall  
24 not relieve a person from the responsibility of correcting the violation.

25 2) A violation of section 11 of this ordinance shall constitute a public  
26 nuisance.

27 3) A violation of section 11 of this ordinance may be administratively  
28 prosecuted under sections 1, 3, 5, 6, 7, 8, 11, 12, 13, 14, and 15 of Riverside County

1 Ordinance no. 725. For purposes of such an administrative prosecution, section 11  
2 of this ordinance shall constitute one of the "County Land Use Ordinances". For  
3 each and every day during any portion of which a violation of section 11 of this  
4 ordinance is committed, continued, or permitted, it shall constitute a separate and  
5 distinct administrative offense.

6 4) A violation of section 11 of this ordinance may be enforced through a  
7 civil action to recover the annual regulatory fee for a GIS License, for damages, for  
8 injunctive relief, or for any other civil remedy whatsoever.

9 5) All criminal, administrative, civil, and other remedies mentioned in  
10 section 11 of this ordinance shall be cumulative and not exclusive.

11 6) Violations of sections 3, 4, 5, or 6 of this ordinance shall be governed by  
12 section 7 of this ordinance.

13 **Section 3.** This Ordinance shall be effective 60 days after the date of adoption.

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15 BOARD OF SUPERVISORS OF THE COUNTY  
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: \_\_\_\_\_  
18 Chairman, Board of Supervisors

19 ATTESTED:

20 NANCY ROMERO  
21 Clerk to the Board

22  
23 By: \_\_\_\_\_  
24 Deputy