

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



**FROM:** Supervisor Jeff Stone

**SUBMITTAL DATE:** April 12, 2005

**SUBJECT:** Ordinance No. 704.2 and 733.1

**RECOMMENDED MOTION:** That the Board of Supervisors introduce and adopt, Ordinance No. 704.2 Providing for the Abatement of Graffiti and Ordinance No. 733.1 to Prevent Graffiti and Related Vandalism.

**BACKGROUND:** Amending both ordinances will accomplish the following:

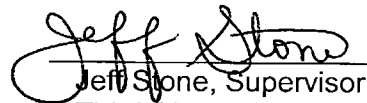
Hold persons, custodial parents or guardians of any minor who placed any of the graffiti legally responsible to reimburse the County for all costs of removal and staff investigation time;

Require parent or guardian to accompany minor in the performance of community service;

To more accurately define graffiti and related vandalism;

Require suppliers to secure graffiti implement, paraphernalia or spray actuator; and

Add reward for information leading to the identification, apprehension and conviction of any person who has placed graffiti upon any public or private property within the unincorporated areas of Riverside County.

  
\_\_\_\_\_  
Jeff Stone, Supervisor  
Third District



1 of the County, each person who placed any of the graffiti, and the custodial parents  
2 or guardians of any minor who placed any of the graffiti shall be legally  
3 responsible to reimburse the County for all costs for removal of such graffiti as  
4 well as for related staff investigation time.

5 **Section 3.** This ordinance shall be effective thirty (30) days after the date of adoption.

6 BOARD OF SUPERVISORS OF THE COUNTY  
7 OF RIVERSIDE, STATE OF CALIFORNIA

8  
9 By: \_\_\_\_\_  
10 Chairman, Board of Supervisors

11 ATTESTED:

12 NANCY ROMERO  
13 Clerk to the Board

14  
15 By: \_\_\_\_\_  
Deputy

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17 **ADOPTED: 4-30-91 (Eff.: 5-30-91)**  
18 **704.1 (Eff.: 6-3-93)**

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1 ORDINANCE NO. 733.1

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 733,  
3 TO PREVENT GRAFFITI AND RELATED VANDALISM

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

7 Section 1. Section 2 is amended to read as follows:

8 Section 2. Definitions

9 A. Graffiti and Related Vandalism. Any unauthorized inscription, word,  
10 figure, mark, symbol, design and/or configuration of letters and/or numbers written, drawn,  
11 scribed, etched, scratched, marked, painted, stained, stuck on or adhered to any real or  
12 personal property surface (public or private), including, but not limited to, trees, signs,  
13 poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, under/overpasses,  
14 bridges, trestles, buildings, and/or any other structures or surfaces, regardless of the  
15 material of the component nature of the material of which the surface is composed.

16 B. Aerosol Paint Container. Any canister, can, bottle, container, or other  
17 receptacle which contains any substance commonly known as paint, stain, dye and/or any  
18 other pigmented substance which is and/or can be modified to contain pressure (or be  
19 pressurized) in order to impel, spray, eject and/or propel any such substance.

20 C. Felt Tip Markers. Any implement commonly known as an indelible or  
21 permanent ink marker and/or marking pen and/or any similar implement which contains  
22 any pigmented substance including, but not limited to, ink or any other substance which  
23 can not be easily and completely removed with water after said substance has dried; where  
24 the width of the marking is 1/16 (one-sixteenth) of 1 (one) inch or greater.

25 D. Paint Stick. Any device which contains any substance, solid or liquid,  
26 including, but not limited to, any form of any substance commonly known as paint, stain,  
27 ink, chalk, wax, epoxy and/or any other similar substance which can be applied to any  
28 surface by such means as applying pressure to and/or contacting any surface in such a way

1 as to leave any visible mark measuring at least 1/16 (one-sixteenth) of 1 (one) inch at any  
2 point - otherwise described as graffiti or related vandalism (as described above in Section  
3 2.A).

4 E. Etchers. Any tool, device, and/or other mechanism including, but not  
5 limited to, any tool, device, and/or other mechanism commonly known as "glass etchers",  
6 "glass cutters", "metal etchers", "cutting instrument", "drill bits" or any other instrument  
7 that can be applied by pressure or any other contact with any surface including, but not  
8 limited to, glass, mirrors, windows, steel, aluminum, brass, tin, fiberglass, wood, plastic,  
9 concrete or any other surface which can cause any markings commonly known as graffiti  
10 or related vandalism (as defined above in Section 2.A).

11 F. Gum Label. Any substance consisting of a material such as, but not limited  
12 to, paper, fabric, cloth, plastic, vinyl and/or any other similar material, where the material  
13 also contains one or more surfaces containing a substance such as, but not limited to, any  
14 material commonly known as an adhesive or glue, which can not be removed from the  
15 surface in an intact condition and with minimal efforts, including, but not limited to,  
16 decals, stickers, patches, stamps or labels.

17 G. Graffiti Implements or Paraphernalia. Any substance or material such as,  
18 but not limited to, aerosol paint containers, markers, paint sticks, etchers, gum labels; also  
19 including, but not limited to, tips (or nozzles) which can be applied to aerosol paint  
20 containers; any records of graffiti or related vandalism including, but not limited to,  
21 pictures, photographs, drawings, scrap books and/or other records depicting or illustrating  
22 any forms of graffiti or related vandalism (as described above in section 2.A).

23 H. Supplier. Any person(s) or entity such as, but not limited to, any business,  
24 company, co-op, corporation, enterprise, manufacturer, organization, partnership,  
25 proprietor, retail or wholesale store or outlet which sells, trades, donates, gives or  
26 requisitions to the public in any capacity whatsoever, any graffiti implements.

27 I. Paint Balloon. Any canister, can, container, bottle or other receptacle  
28 including, but not limited to, anything commonly known as a balloon or other receptacle

1 made of any material such as, but not limited to, latex, plastic, rubber, paper, glass or other  
2 material which contains any substance commonly known as paint, stain, dye or any other  
3 pigmented substance intended for the purpose of defacing any property, public or private,  
4 upon impact or contact of any surface including, but not limited to, trees, signs, poles,  
5 fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, under/overpasses,  
6 bridges trestles, buildings and/or any other structures or surfaces regardless of the material  
7 of the component.

8 J. Stamp or Stamping Device. Any tool, device or implement which can  
9 cause upon impact or contact any mark (described above as graffiti or related vandalism in  
10 Section 2.A) by means of ink, paint, stain or any other substance or material including, but  
11 not limited to, any device commonly known as a rubber stamp or similar device (whether  
12 manufactured, hand made or devised) for the purpose of defacing property, public or  
13 private.

14 K. Spray Actuator. Any object capable of being attached to an aerosol paint  
15 container for the purpose of spraying the substance contained therein. Common examples  
16 of a spray actuator include, but are not limited to, terms such as "spray tip", "nozzle" or  
17 "button".

18 **Section 2.** Section 3 is amended to read as follows:

19 **Section 3. Prohibition of Graffiti and Related Vandalism**

20 A. It is unlawful for any person or group of persons to commit any overt act  
21 resulting in or attempting to result in the application of graffiti or the engaging in or  
22 attempting to engage in an act of related vandalism (as set forth above in Sec.2.A)  
23 including, but not limited to, any of the following acts:

24 1. Any act such as drawing, scribing, etching, scratching,  
25 marking, painting, staining, sticking on or adhering to any real or personal  
26 property surface, public or private, including, but not limited to, trees,  
27 signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks,  
28 streets, under/overpasses, bridges, trestles, buildings and/or any other

1 structures or surfaces.

2 2. Any act of participation in applying graffiti such as, but not  
3 limited to, conspiring to commit or assist in the applying of graffiti or  
4 engaging in or assisting in an act of related vandalism, including, but not  
5 limited to, acting as a "look-out", regardless of the fact the "act" was not  
6 actually witnessed.

7 3. Any person who knowingly allows any acts of graffiti or  
8 related vandalism to occur on or to any property over which he or she has  
9 control as owner, tenant or possessor and who thereafter fails to promptly  
10 report such acts to the proper authorities is guilty of being a principal to the  
11 crime.

12 Exceptions: Any mural or work of art approved by the County through a  
13 design review or planning process and requiring proper permits prior to  
14 commencement of any work, shall not constitute graffiti.

15 B. It is unlawful for any person, business, company, or other entity which  
16 owns or otherwise controls any building, sign, pole, vehicle, trailer, trash receptacle, wall,  
17 parking lot, walkway or any other structure or real property to knowingly allow or permit  
18 any graffiti or related vandalism to be placed on, or to take place on, any such structure or  
19 property where the graffiti and/or results of the vandalism are visible from any public right  
20 of way.

21 C. Graffiti and/or graffiti related vandalism which appears on property and/or  
22 structures where such graffiti or related vandalism is visible from a public right of way  
23 shall be deemed to be a public nuisance and shall be subject to abatement as provided for  
24 in Riverside County Ordinance No. 704.

25 **Section 3.** Section 4 is amended to read as follows:

26 **Section 4.** Possession of Graffiti Implements or Paraphernalia ,Paraphernalia or Spray  
27 Actuator.

28 A. It is unlawful for any person under the age of 18 years to possess any

1 graffiti implement or paraphernalia ,paraphernalia or spray actuator with the intent of  
2 applying graffiti markings or engaging in related vandalism.

3 Exceptions:

4 1) Any minor enrolled in any education class which requires otherwise  
5 legal possession of any graffiti implement or paraphernalia ,paraphernalia or spray  
6 actuator provided the minor is carrying written verification of any such  
7 requirements including color(s), size(s), and quantity, and written consent from his  
8 or her parent or lawfully designated custodian - dated and signed.

9 2) Any minor whose employment requires possession of any graffiti  
10 implement or paraphernalia ,paraphernalia or spray actuator provided minor is  
11 carrying written verification of any such job requirements including color(s),  
12 size(s), quantity, job information and purpose, and written consent from the  
13 employer - dated and signed.

14 B. It is unlawful and a misdemeanor for any unauthorized person to possess  
15 any graffiti implement or paraphernalia ,paraphernalia or spray actuator while in, on, at or  
16 about any public property, including, but not limited to, public parks, playgrounds,  
17 swimming pools, recreation facilities, schools, school district facilities, libraries, court  
18 houses, utility stations, storm drains or any other publicly owned, operated and/or  
19 maintained facility.

20 **Section 4.** Section 6 is amended to read as follows:

21 Section 6. Commercial Display.

22 A. It is unlawful for any supplier to display any graffiti implement or  
23 paraphernalia ,paraphernalia or spray actuator including any such tool, device, material or  
24 substance including, but not limited to, aerosol paint containers, felt-tip markers, paint  
25 sticks and/or etchers, in such a way as to be accessible by anyone who is not an employee  
26 or other authorized personnel pending lawful distribution of said implement or product.  
27 Said graffiti implement, paraphernalia or spray actuator shall be kept in a locked area not  
28 accessible to members of the public but may be displayed in plain view of potential retail

1 customers.

2 B. It is unlawful for any supplier to store, stock or display any graffiti  
3 implement or paraphernalia ,paraphernalia or spray actuator in such a way as to be  
4 handled (or be removable) by anyone who is not an employee or authorized personnel for  
5 purposes of demonstration, advertising or other display. Said graffiti implement,  
6 paraphernalia or spray actuator shall be kept in a locked area not accessible to members of  
7 the public but may be displayed in plain view of potential retail customers.

8 C. It is unlawful for any supplier to display any graffiti implement or  
9 paraphernalia ,paraphernalia or spray actuator outdoors in a nonpermanent structure or  
10 facility; unless, displayed in a lock up device, i.e., a locked metal, glass or other similar  
11 cage or case, securely fastened to the ground so as not to be able to be caused to slide, roll,  
12 be lifted or otherwise moved more than 2 (two) inches in any direction. All lock-up  
13 devices shall maintain a minimum size as follows: height of 36" (thirty-six inches), width  
14 (or length) of 72" (seventy-two inches), depth of 18" (eighteen inches), or greater, with no  
15 more than 1 (one) opening side.

16 D. All suppliers doing business in the unincorporated portions of Riverside  
17 County shall display a sign stating the following:

18 1) "Must be 18 years of age to purchase. Must have valid I.D. to  
19 purchase.", or similar inscription.

20 2) "Any person who maliciously defaces real or personal property with  
21 graffiti or by related vandalism is guilty of a misdemeanor punishable by fine,  
22 imprisonment, or both, and may also be held responsible for payment of restitution  
23 to the victim."

24 All signs must be at least 10" (ten inches) by 16" (sixteen inches), with letter size of at  
25 least 1" (one inch), and posted in a conspicuous place within 6' (six feet) of said  
26 implement or product.

27 E. It shall be the joint and individual responsibility of the supplier, vendor,  
28 property owner, property manager, store manager and/or district manager or corporate

1 officer to comply with any and all applicable sections of this Ordinance.

2 **Section 5.**

Section 7 is amended to read as follows:

3 Section 7. Penalties for Violation.

4 A. A violation of this Ordinance is a misdemeanor or an infraction as  
5 hereinafter specified.

6 1. A violation when charged as a misdemeanor shall be punishable by  
7 a fine of up to one thousand dollars (\$1,000) or up to six months in the County Jail,  
8 or both and/or community service to abate graffiti. For the purpose of community  
9 service, where the defendant is a minor, one parent or guardian shall accompany  
10 the minor in the performance of said service unless excused by the court upon a  
11 showing of good cause. Payment of any fine or completion of a jail term shall not  
12 relieve a person from the responsibility of correcting the violation.

13 2. A violation for a first time offense, only, may be charged as a  
14 infraction and shall be punishable by a fine not exceeding one hundred dollars  
15 (\$100). Payment of any penalty herein shall not relieve a person from the  
16 responsibility for correcting the violation and the court may, in addition to any fine  
17 imposed or in lieu of imposing a fine, order the party to perform community  
18 service to abate graffiti. For the purpose of community service, where the  
19 defendant is a minor, one parent or guardian shall accompany the minor in the  
20 performance of said service unless excused by the court upon a showing of good  
21 cause.

22 B. As a part of any sentence imposed, the court may also order that restitution  
23 be paid to the victim by the admitted or convicted perpetrator and in the case of a  
24 perpetrator who is a minor by the minor's parent or lawfully designated guardian or  
25 custodian.

26 C. Upon conviction, the perpetrator and/or parent or lawfully designated  
27 guardian or custodian may be required to enroll in and attend a diversionary program -  
28 possibly requiring liability waivers and/or payment towards all or a portion of the cost of

1 the program, as such costs shall have been established by the Board of Supervisors of the  
2 County of Riverside.

3 **Section 6.** Section 9 is amended to read as follows:

4 **Section 9. Ordinance Shall Work in Conjunction With State Statutes and Local**  
5 **Ordinances.**

6 This Ordinance shall be interpreted so as to work with and in conjunction with (when and  
7 where applicable) any and all state and/or local ordinances relating to the control of graffiti and/or related  
8 vandalism, including, but not limited to, Sections 594, 594.1, 594.2, 594.3, 594.5, 594.6, 594.7, 594.8,  
9 640.5, 640.6, 640.7, 640.8 of the California Penal Code; Section 1714.1 of the California Civil Code;  
10 Section 53069.3 of the California Government Code; and Riverside County Ordinance 704.

11 **Section 7.** A new Section 10 is added to read as follows:

12 **Section 10. Reward For Information.**

13 The Board of Supervisors determines that rewards for any information leading to the  
14 identification, apprehension and conviction of any person who has placed graffiti upon any public or  
15 private property within the unincorporated areas of Riverside County shall be in a range from one hundred  
16 dollars (\$100) to one thousand dollars (\$1,000), to be specifically determined by the Director of Building  
17 and Safety, or that person's designee, and the Sheriff, or that person's designee, based on the severity of  
18 the crime. The identity of those seeking rewards shall be considered confidential and shall not be released  
19 to members of the public. The Board of Supervisors reserves the right to require that the convicted  
20 offender reimburse the County for any reward paid, and place the responsibility for such reimbursement  
21 upon the parent(s) or legal guardian(s) of any minor so convicted.

22 **Section 8.** This Ordinance shall be effective 30 days after the date of adoption.

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24 BOARD OF SUPERVISORS OF THE COUNTY  
25 OF RIVERSIDE, STATE OF CALIFORNIA

26  
27 By: \_\_\_\_\_  
28 Chairman, Board of Supervisors

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ATTESTED:

NANCY ROMERO  
Clerk to the Board

By: \_\_\_\_\_  
Deputy

**ADOPTED: 8-24-93 (Eff.: 9-23-93)**

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