

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



FROM: Supervisor Jeff Stone

SUBMITTAL DATE: December 1, 2006

SUBJECT: Ordinance No. 733.2

**RECOMMENDED MOTION:** That the Board of Supervisors introduce and adopt on successive weeks 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 fee 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 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 three months before the start of the annual period), the Department of Building and Safety 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 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, etchers, gummed labels or stickers (regardless of size), paint balloons, and rubber stamps or stamping devices (regardless of size). Enforcement will be via administrative and/or civil and/or criminal avenues.



Jeff Stone, Supervisor Third District

Policy

Consent

Department Recommendation:  
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

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1 pressure or any other contact with any surface including, but not limited to, glass, metal, plastic,  
2 concrete or any other surface which can cause any markings commonly known as graffiti or  
3 related vandalism (as defined above in Section 2.A).”

4 Section 4. The definition in subsection 2.G. is amended to read as follows:

5 “G. Graffiti Implements or Paraphernalia. Any substance or material such as, but not  
6 limited to, aerosol paint containers, markers, paint sticks, etchers, gum labels, paint balloons,  
7 stamps or stamping devices; also including, but not limited to, spray actuators, tips (or nozzles)  
8 which can be applied to aerosol paint containers; any records of graffiti or related vandalism  
9 including, but not limited to, pictures, photographs, drawings, scrap books and/or other records  
10 depicting or illustrating any forms of graffiti or related vandalism (as described above in section  
11 2.A).”

12 Section 5. The definition in subsection 2.J. is amended to read as follows:

13 “J. Stamp or Stamping Device. Any tool, device or implement which can cause upon  
14 impact or contact any mark (described above as graffiti or related vandalism in Section 2.A) by  
15 means of ink, paint, stain or any other substance or material including, but not limited to, any  
16 device commonly known as a rubber stamp or similar device (whether manufactured, hand made  
17 or devised) which cannot be easily removed with water, for the purpose of defacing property,  
18 public or private.”

19 Section 6. A new subsection 2.L. and subsection 2.M. is added to the list of definitions to read  
20 as follows:

21 “L. Pressurized container. Any can, bottle, spray device or other mechanism  
22 designed to propel liquid which contains ink, paint, dye or other similar substance which is  
23 expelled under pressure, either through the use of aerosol devices, pumps or similar  
24 propulsion devices.

25 “M. Graffiti Implements. Aerosol paint containers, felt tip markers, paint sticks,  
26 etchers, gum labels, paint balloons, stamp or stamping devices, tips that can be attached to  
27 an aerosol paint container, nozzles that can be attached to an aerosol paint container, or  
28 spray actuators as defined in this ordinance.”

1        Section 7.        Section 11 is amended to read as follows:

2                "Section 11.    Graffiti Implement Sales License.

3                "A.        Beginning on July 1, 2007, it shall be unlawful for any person to  
4        sell, offer for sale, display for sale, or otherwise make available for sale (within  
5        unincorporated Riverside County) any graffiti implement unless that person then holds a  
6        valid annual Graffiti Implement Sales License. A valid annual Graffiti Implement Sales  
7        License will hereinafter be referred to as a "GIS License."

8                "B.        Each GIS License shall cover an annual period that extends from the  
9        beginning of the day on July 1 until the end of the day on June 30 of the following year. A  
10       GIS License shall be obtained in advance (in the manner specified by this ordinance) by  
11       any person who intends to sell any graffiti implement during a particular annual period (or  
12       during any part of that annual period).

13               "C.        The issuing department for GIS Licenses will be the Department of  
14       Code Enforcement for the County of Riverside. Upon the submission to that Department  
15       of a properly filled-out application for a GIS License (and the payment to that department  
16       of the annual regulatory fee for a GIS License), that Department shall issue a GIS License  
17       to the applicant. In order to obtain the issuance of a GIS License for a particular annual  
18       period, the applicant shall submit its application and pay its fee no earlier than the April 1  
19       date (that is three months prior to the commencement of the annual period for which the  
20       GIS License is being requested) and no later than June 29 (of the annual period for which  
21       the GIS License is being requested). If a GIS license is issued after July 1 of the annual  
22       period for which the license is issued, it shall not have the retroactive effect of legalizing  
23       any unlawful act or omission (regarding graffiti implements) that may have occurred  
24       between July 1 and the date of license issuance.

25               "D.        The annual regulatory fees for GIS Licenses shall be used to fund  
26       the following activities and operations of the Department of Code Enforcement of the  
27       County of Riverside: they shall be used to fund efforts to identify and compile a list of  
28       those individuals and companies that are selling or otherwise furnishing graffiti

1 implements or paraphernalia (within the meaning of sections 5 and 6 of this ordinance);  
2 they shall be used to fund efforts to compile a list of the stores and other locations from  
3 which graffiti implements or paraphernalia are being sold or otherwise furnished (within  
4 the meaning of sections 5 and 6 of this ordinance); they shall be used to fund the  
5 monitoring of such sellers or furnishers in order to confirm that they are not selling or  
6 furnishing graffiti implements or paraphernalia to minors (without receiving the prior  
7 written consent of the parents or lawful custodians of those minors) within the meaning of  
8 section 5 of this ordinance; they shall be used to fund the monitoring of such sellers or  
9 furnishers in order to confirm that they are storing, stocking, and displaying their stock of  
10 graffiti implements and paraphernalia in a manner that is inaccessible (within the meaning  
11 of sections 6.A., 6.B., and 6.C. of this ordinance); they shall be used to fund the monitoring  
12 of such sellers or furnishers in order to confirm that they are properly displaying the sign  
13 that is required by section 6.D. of this ordinance; and they shall be used to fund the costs of  
14 administering the County's GIS License program.

15 "E. By March 31, 2007, and by March 31 of each succeeding year, the  
16 Department of Code Enforcement for the County of Riverside shall cause to be estimated  
17 (for the annual period beginning approximately three months later) the sum total of funds  
18 that will be necessary to fund the regulatory activities and operations described above in  
19 section 11.D, and it shall cause to be estimated (for the annual period beginning  
20 approximately three months later) the sum total of separate locations from which graffiti  
21 implements or paraphernalia will be sold, offered for sale, displayed for sale, or otherwise  
22 made available for sale. Under no circumstances shall the annual regulatory fee per  
23 location (for a GIS License) exceed a dollar amount that is equal to the number obtained by  
24 dividing the sum total of such estimated separate locations into the sum total of such  
25 estimated funds. If a person sells graffiti implements or paraphernalia, offers them for  
26 sale, displays them for sale, or otherwise makes them available for sale out of more than  
27 one separate location during a particular annual period, that person must submit an  
28

1 application for each and every one of those separate locations, and that person must pay the  
2 annual regulatory fee for each and every one of those separate locations.

3 "F. A violation of section 11 of this ordinance is enforceable in the  
4 following manner.

5 "1) A violation of section 11 of this ordinance may be charged as  
6 either an infraction or a misdemeanor. If charged as an infraction, such a violation is  
7 punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine  
8 not exceeding two hundred dollars (\$200) for a second violation within one year, and a  
9 fine not exceeding five hundred dollars (\$500) for each additional violation within one  
10 year. If charged as a misdemeanor, a violation of section 11 of this ordinance is punishable  
11 by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county  
12 jail not exceeding six months, or by both such fine and imprisonment. Payment of any fine  
13 or completion of any jail term shall not relieve a person from the responsibility of  
14 correcting the violation.

15 "2) A violation of section 11 of this ordinance shall constitute a  
16 public nuisance.

17 "3) A violation of section 11 of this ordinance may be  
18 administratively prosecuted under sections 1, 3, 5, 6, 7, 8, 11, 12, 13, 14, and 15 of  
19 Riverside County Ordinance no. 725. For purposes of such an administrative prosecution,  
20 section 11 of this ordinance shall constitute one of the "County Land Use Ordinances."  
21 For each and every day during any portion of which a violation of section 11 of this  
22 ordinance is committed, continued, or permitted, it shall constitute a separate and distinct  
23 administrative offense.

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

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

1 "6) Violations of sections 3, 4, 5, or 6 of this ordinance shall be  
2 governed by section 7 of this ordinance."

3 Section 8. Effective Date

4 This amendment shall become effective 60 days after the date of adoption.  
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6 BOARD OF SUPERVISORS OF THE COUNTY  
7 OF RIVERSIDE, STATE OF CALIFORNIA

8 By: \_\_\_\_\_  
9 Chairman

10 ATTEST:

11 CLERK OF THE BOARD:

12 By: \_\_\_\_\_  
13 Deputy

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