

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



FROM: Supervisor Jeff Stone

SUBMITTAL DATE:
January 2, 2007

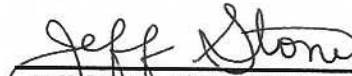
SUBJECT: Ordinance No. 733.2

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

BACKGROUND: On December 19, 2006, a revision to Ordinance 733.1 was introduced. Revisions were made to the ordinance introduced on December 19, 2006 to reflect that the Department of Building and Safety, rather than the Code Enforcement Department, would be responsible for issuing licenses and determining the licensing fees.

Under the ordinance, the Department of Building and Safety will be responsible for identifying and compiling a list of individuals, stores, companies, and/or their locations that sell or otherwise furnish graffiti implements or paraphernalia. The annual regulatory fee will be used to fund those efforts to identify and compile the above-stated list and monitor the sellers of the graffiti implements and/or paraphernalia.

Departmental Concurrence



Jeff Stone, Supervisor of the Third District

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.3 (12/19/06)

District:

Agenda Number:

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CLERK COUNTY OF RIVERSIDE
COUNTY OF RIVERSIDE, CALIFORNIA

3.42

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 Sales License. A valid annual Graffiti Sales License will hereinafter
7 be referred to as a “GS License.”

8 “B. Each GS 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 GS License shall be obtained in advance (in the manner specified by this ordinance) by any
11 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 GS Licenses will be the Department of
14 Building and Safety for the County of Riverside. Upon the submission to that Department
15 of a properly filled-out application for a GS License (and the payment to that department
16 of the annual regulatory fee for a GS License), that Department shall issue a GS License to
17 the applicant. In order to obtain the issuance of a GS License for a particular annual
18 period, the applicant shall submit its GS License application, attaching proof of a valid
19 County business license, and pay its GS License fee no earlier than the April 1 date (that is
20 three months prior to the commencement of the annual period for which the GS License is
21 being requested) and no later than June 29 (of the annual period for which the GS License
22 is being requested). If a GS license is issued after July 1 of the annual period for which the
23 license is issued, it shall not have the retroactive effect of legalizing any unlawful act or
24 omission (regarding graffiti implements) that may have occurred between July 1 and the
25 date of license issuance. License fees shall not be prorated if issued during any calendar
26 year.

27 “D. The annual regulatory fees for GS Licenses shall be used to fund the
28 following activities and operations of the Department of Building and Safety of the County

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

15 "E. By March 31, 2007, and by March 31 of each succeeding year, the
16 Department of Building and Safety 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 GS 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
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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 GS 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.
5

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

8 By: _____
9 Chairman

9 ATTEST:

10 CLERK OF THE BOARD:

11
12 By: _____
13 Deputy

14
15 (SEAL)

16
17
18 FORM APPROVED
19 COUNTY COUNSEL

20 JAN 03 2007

21 BY *[Signature]*

22
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24 GRB/LAF
25 1/2/07

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28 RECEIVED RIVERSIDE COUNTY