

REVISED LEGISLATIVE DIGEST

(3/22/2016, Amended in Board)

[Public Works Code - Clarifying Graffiti Prohibition and Establishing Administrative Penalties]

Ordinance amending the Public Works Code to clarify that prohibited graffiti extends to all public property, including all City assets; establish expedited notice and hearing procedures, create administrative penalties for an offending party, and renumber code sections; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Graffiti Removal and Abatement Ordinance, Public Works Code Article 23, establishes a process for Public Works to enforce the illegal placement of graffiti on private and public property and removal and abatement of such graffiti. The process includes notice and hearing procedures for violators and includes civil and criminal penalties.

Amendments to Current Law

This ordinance would add additional recitals to the Graffiti Removal and Abatement Ordinance to recognize the detrimental effects of graffiti, in particular, guerilla marketing campaign's use of sidewalk stencils and markings. The legislation would clarify that prohibited graffiti extends to all public property including sidewalks and streets, public buildings, and other City assets, such as buses, trolleys, and street furniture. The legislation also would clarify that a violator of the ordinance, an "offending party", is not limited to a person, but also could include an entity, such as a company. The ordinance would establish a process for the Public Works Director to impose administrative penalties of up to \$1,000 per violation per day on an offending party and authorize an expedited hearing and notice procedure if the type or scope of graffiti warrants more immediate action. The legislation would renumber code sections from the 1300 series to the 2300 series, and affirm the Planning Department's environmental findings.

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