

LEGISLATIVE DIGEST

[Park, Police, Public Works Codes - Graffiti Prevention and Abatement]

Ordinance amending the Park and Police Codes to ban convicted graffiti offenders from bringing graffiti and etching tools, etching cream, and slap tags into parks or on Municipal Transportation Agency vehicles; amending the Public Works Code to extend the administrative process and potential administrative remedies to graffiti offenses committed on public property; and amending the Public Works Code to permit the City to pursue civil remedies, including injunctive relief, civil penalties, attorney's fees, and repayment of abatement costs, against graffiti offenders.

Existing Law

There are few civil consequences under City law for persons who commit acts of vandalism and graffiti on public property. The Graffiti Removal and Abatement Ordinance (S.F. Public Works Code Sections 1300 *et seq.*) exempts public property, other than to instruct the Director of Public Works to use all reasonable efforts to minimize graffiti on City-owned property. Further, the ordinance requires property owners to quickly and effectively abate graffiti on their property, but it does not address or apply to persons who commit the graffiti-related offenses. Finally, there are no provisions in the City's civil law that restrain or inhibit adult graffiti offenders from carrying graffiti tools and other implements that would cause injury to property.

Amendments to Current Law

The proposed ordinance amends not only the Public Works Code but also the Park and Police Codes to ensure that graffiti taggers and vandals face consequences for the blight and damage they cause. It provides the City with the ability to do the following:

1. Bring civil cases against graffiti offenders for injunctive relief, civil penalties, attorney's fees, and abatement costs incurred by the City, as well as restitution for property owners who have incurred costs to abate graffiti on their property.
2. Give the Department of Public Works the ability to utilize an administrative process against a graffiti tagger.
3. Exclude graffiti offenders who have been convicted or pled guilty or no-contest to a graffiti-related crime from bringing graffiti and etching tools, etching cream, or slap tags into a public park.

4. Exclude graffiti offenders who have been convicted or pled guilty or no-contest to a graffiti-related crime from bringing graffiti and etching tools, etching cream, or slap tags onto a MUNI vehicle.

n:\legana\as2014\1400304\00912438.doc