

File No. 140261

Committee Item No. 1

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date April 24, 2014

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

#### OTHER (Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Policy Analysis Memorandum, dtd 3/13/14
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Graffiti Advisory Board Recommendation, dtd 4/16/14
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Press Release, dtd 3/17/14
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Media Articles
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Alisa Miller Date April 18, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[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; 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; and making uncoded findings.**

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) Graffiti constitutes blight and visual litter. Graffiti mars private property and scars public spaces resulting in disorder and crime. As discussed in the well known 1982 article written by James Q. Wilson and George L. Kelling entitled *Broken Windows*, "at the community level, disorder and crime are usually inextricably linked, in a kind of developmental sequence...one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing."

1 (b) Graffiti offenders create this disorder, damaging the property of others for their  
2 own mischief, imposing visual blight for all in the vicinity to see, and leaving communities  
3 feeling disrupted, disrespected, and disregarded. These offenders should be held  
4 accountable to the City and County of San Francisco for the damage they cause to private  
5 property and public spaces.

6 (c) The City and County of San Francisco spends more than 20 million dollars per  
7 year abating graffiti throughout the City. Despite this major expense, graffiti continues to  
8 plague the City.

9 (d) Given the expense and blight caused by graffiti and how destabilizing its  
10 proliferation can be to communities, the City and County of San Francisco, especially through  
11 such departments as the District Attorney's Office, Municipal Transportation Agency,  
12 Department of Public Works, Recreation and Parks Department, Public Utilities Commission,  
13 Police Department, and City Attorney's Office should make every effort to collaborate on the  
14 documentation, reporting, and analyses of graffiti offenses, and to pursue any and all  
15 avenues of remediation against graffiti offenders, including without limitation administrative,  
16 civil, and criminal proceedings.

17  
18 Section 2. The Park Code is hereby amended by revising Sections 4.01, 4.12, and  
19 10.01 to read as follows:

20 **SEC. 4.01. DISORDERLY CONDUCT.**

21 No person shall, in any park without permission of the Recreation and Park  
22 Department:

23 (a) Throw or propel objects of a potentially dangerous nature, including, but not  
24 limited to, stones, bottles, glass, cans or crockery;

1 (b) Fire or carry firearms of any size or description, or possess any instrument,  
2 appliance or substance designed, made or adopted for use primarily as a weapon, including,  
3 but not limited to, slingshots, clubs, swords, razors, billies, explosives, dirk knives, bowie  
4 knives or similar knives, except that this subsection shall not apply to a police or other peace  
5 officer;

6 (c) Fire or carry any firecracker, rocket, torpedo or other fireworks of any description  
7 (this subsection shall not be deemed to contradict any provisions contained in Chapter VIII  
8 (Police Code) of the San Francisco Municipal Code);

9 (d) Carry or use a model airplane which is powered by liquid fuel or designed to be  
10 used with such fuel;

11 (e) Make, kindle, maintain or in any way use a fire except at places provided,  
12 designated and maintained by the Recreation and Park Department for such use;

13 (f) Climb or lie upon any tree, shrub, monument, wall, fence, shelter, fountain,  
14 statute, building, construction or structure;

15 (g) Emit, eject, or cause to be deposited any excreta of the human body, except in  
16 proper receptacles designated for such purposes;

17 (h) Expose his or her genitals, public hair, buttocks, perineum, anal region or public  
18 hair region or any portion of the female breast at or below the areola thereof, except that this  
19 section shall not apply to children under the age of five years;

20 (i) Enter a restroom or toilet set apart for use of the opposite sex, except children  
21 under the age of five years accompanied by a parent or guardian and duly authorized  
22 personnel for the purpose of inspection, maintenance or repair;

23 (j) Gain or attempt admittance to facilities in any park where a charge is made,  
24 without paying that charge;  
25

1 (k) Play any percussion instrument, including drums, at any time or location  
2 prohibited by resolution of the Recreation and Park Commission when a sign has been posted  
3 in the area affected to give notice of this prohibition, provided that such resolution does not  
4 unreasonably curtail the playing of such instruments in any area of the city;

5 (l) Enter into, or attempt to enter into, any animal enclosure or habitat at the San  
6 Francisco Zoological Gardens, or at the bison paddock in Golden Gate Park, without specific  
7 authorization by Zoo staff;

8 (m) Fail to follow all rules of the San Francisco Zoological Gardens, or any directions  
9 or instructions given by Zoo staff; and

10 (n) Possess, carry, use or keep graffiti or etching tools, etching cream, or slap tags. For  
11 purposes of this subsection (n):

12 (1) "Graffiti or etching tools" means a masonry or glass drill bit, a glass cutter, a  
13 grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, or any permanent marker  
14 with a nib (marking tip) one-half inch or more at its largest dimension and that is capable of defacing  
15 property with permanent, indelible, or waterproof ink, paint or other liquid.

16 (2) "Etching cream" means any caustic cream, gel, liquid, or solution capable, by  
17 means of chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to  
18 acid.

19 (3) "Slap tag" means any material including but not limited to, decals, stickers, posters,  
20 or labels which may be affixed upon any structural component of any building, structure, post, pole, or  
21 other facility, which contains a substance commonly known as adhesive glue.

22  
23 **SEC. 4.12. PERSONS MAY BE EXCLUDED UNDER CERTAIN CIRCUMSTANCES.**

24 Members of the San Francisco Police Department and Recreation and Park  
25 Department employees, including members of the Park Patrol, are authorized to order any

1 person to stay out of or to leave any park, or any facility, building or structure therein, when  
2 such officers or employees have reasonable cause to conclude that the person:

- 3 (a) Is consuming alcoholic beverages in violation of Section 4.10 of this Code;
- 4 (b) Is using any drug or controlled substance, as defined above, or any combination  
5 of any intoxicating liquor, drug, or controlled substance; ~~or~~
- 6 (c) Is doing any act injurious to any park or any building, structure or facility therein;
- 7 (d) While using any athletic facility or area, disobeys any rule or regulation  
8 governing such area or facility after being warned not to do so by a Recreation and Park  
9 Department employee, including members of the Park Patrol, when the employee has  
10 reasonable cause to conclude that such behavior damages or risks damage to park property  
11 or interferes with the use and enjoyment of such area or facility by other persons; ~~or~~
- 12 (e) Behaves in so noisy, boisterous or rowdy a manner as to disturb spectators or  
13 participants at an athletic event; or
- 14 (f) Is taking any action in violation of Section 4.01 of this Code.
- 15

16 **SEC. 10.01. PENALTIES.**

17 (a) Unless otherwise specified in this Code, any person violating any section of this  
18 Code shall be deemed guilty of a misdemeanor or an infraction. The complaint charging such  
19 violation shall specify whether the violation is a misdemeanor or infraction, which decision  
20 shall be that of the District Attorney; provided, however, that whenever a person has been  
21 arrested and incarcerated based solely on the violation or violations of this Code, he or she  
22 shall retain the right at the time of arraignment or plea to object to the offense being made an  
23 infraction, in which event the complaint shall be amended to charge the misdemeanor and the  
24 case shall proceed on the misdemeanor complaint.

25

1       (b) Upon conviction of a violation charged as an infraction, the person so convicted  
2 shall be punished for the first offense by a fine of not more than \$100, and for a second  
3 offense within one year by a fine of not more than \$200, and for each additional offense within  
4 one year by a fine of not more than \$500.

5       (c) Upon conviction of a violation charged as a misdemeanor, the person so convicted  
6 shall be punished by a fine of not more than \$1000 or by imprisonment in the County Jail for a  
7 period of not more than six months, or by both such fine and imprisonment.

8       (d) Any person convicted of a crime involving the vandalism, defacement or destruction of any  
9 portion of any park, grounds, roadways, avenues, squares, recreation facilities, or other property  
10 placed under the control, management and direction of the Recreation and Park Commission,  
11 including violations of this Code or California Penal Code Sections 594, 640.5, or 640.6 shall be liable  
12 to the City for any and all costs associated with fixing, altering, removing, or abating violations as well  
13 as any labor expended to otherwise abate and/or restore the area affected. Any costs sought pursuant  
14 to this Section 10.01 shall be recoverable as restitution and may be ordered by a court of competent  
15 jurisdiction in any related criminal prosecution. The remedies in this subsection (d) are in addition to  
16 any other remedies available at law or equity.

17  
18       Section 3. The Police Code is hereby amended by adding Section 606, to read as  
19 follows:

20       **SEC. 606. PERSONS IN POSSESSION OF GRAFFITI OR ETCHING TOOLS, ETCHING**  
21 **CREAM OR SLAP TAGS ON VEHICLES OPERATED BY THE SAN FRANCISCO MUNICIPAL**  
22 **TRANSPORTATION AGENCY.**

23       It shall be unlawful for any person to be in possession of graffiti or etching tools, etching cream  
24 or slap tags on any revenue transit operated by the San Francisco Municipal Transportation Agency if  
25 the person has been convicted of or pled guilty or no contest to a crime involving the vandalism.

1 defacement or destruction of property including a violation of California Penal Code Sections 594,  
2 640.5, or 640.6 within the last ten years. For purposes of this Section 606:

3 (a) "Graffiti or etching tools" is defined as a masonry or glass drill bit, a glass cutter, a  
4 grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, or any permanent marker  
5 with a nib (marking tip) one-half inch or more at its largest dimension and that is capable of defacing  
6 property with permanent, indelible, or waterproof ink, paint or other liquid.

7 (b) "Etching cream" means any caustic cream, gel, liquid, or solution capable, by means of  
8 chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

9 (c) "Slap tag" means any material including but not limited to, decals, stickers, posters, or  
10 labels which may be affixed upon any structural component of any building, structure, post, pole, or  
11 other facility, which contains a substance commonly known as adhesive glue.

12  
13 Section 4. The Public Works Code is hereby amended by revising Sections 1302,  
14 1303, 1304, 1305, 1306, and adding 1307.5 to read as follows:

15 **SEC. 1302. DEFINITIONS.**

16 ~~(a)~~ **City.** "City" means the City and County of San Francisco.

17 ~~(b)~~ **Director.** "Director" means the Director of the Department of Public Works or his  
18 or her designee.

19 ~~(c)~~ **Graffiti.** "Graffiti" means any inscription, word, figure, marking or design that is  
20 affixed, marked, etched, scratched, drawn or painted on any building, structure, fixture or  
21 other improvement, whether permanent or temporary, including by way of example only and  
22 without limitation, signs, banners, billboards and fencing surrounding construction sites,  
23 whether public or private, without the consent of the owner of the property or the owner's  
24 authorized agent, and which is visible from the public right-of-way. "Graffiti" shall not include:  
25 (1) any sign or banner that is authorized by, and in compliance with, the applicable

1 requirements of this Code, the San Francisco Planning Code or the San Francisco Building  
2 Code; or (2) any mural or other painting or marking on the property that is protected as a work  
3 of fine art under the California Art Preservation Act (California Civil Code Sections 987 et  
4 seq.) or as a work of visual art under the Federal Visual Artists Rights Act of 1990 (17 U.S.C.  
5 §§ 101 et seq.).

6 **Offending Party/ies.** "Offending Party/ies" shall mean any person or persons who defaces,  
7 damages or destroys public or private property with graffiti or other inscribed material. "Offending  
8 Party/ies" shall include any person who assists, enables, or permits another to deface, damage or  
9 destroy public or private property with graffiti or other inscribed material.

10 ~~(d)~~ **Owner.** "Owner" shall mean the owner of record of the property as set forth in  
11 the most current records of the Tax Assessor, or the owner's authorized agent.

### 12 **SEC. 1303. PROHIBITION.**

13 (a) It shall be unlawful for the owner of any real property within the City and County  
14 bearing graffiti to allow the graffiti to remain on the property in violation of this Article.

15 (b) It shall be unlawful for any Offending Party/ies to deface, damage or destroy public or  
16 private property with graffiti or other inscribed material.

### 17 **SEC. 1304. VIOLATIONS**

18 (a) Notice of Violation. Where the Director determines that any property contains  
19 graffiti in violation of Section 1303, the Director may issue a notice of violation to the property  
20 owner and/or any Offending Party/ies. At the time the notice of violation is issued, the Director  
21 shall take one or more photographs of the alleged graffiti, and shall make copies of the  
22 photographs available to the property owner and/or any Offending Party/ies upon request. The  
23 photographs shall be dated and retained as a part of the file for the violation. The notice shall  
24 give the owner and/or any Offending Party/ies thirty (30) calendar days from the date of the  
25 notice to either remove the graffiti or request a hearing on the notice of violation, and shall set

1 forth the procedure for requesting the hearing. The notice shall also inform the owner and/or  
2 any Offending Party/ies that where the owner and/or any Offending Party/ies fails to either remove  
3 the graffiti or request a hearing within thirty (30) calendar days from the date of the notice, the  
4 Director may initiate proceedings in accordance with this Article to enter upon the ~~owner's~~  
5 property and abate the graffiti ~~at the owner's expense~~. The notice shall inform the owner and/or any  
6 Offending Party/ies that should the Director need to abate the graffiti, that the owner and/or any  
7 Offending Party/ies shall be liable for all costs of enforcement and abatement. The notice shall  
8 further inform the owner and/or Offending Party/ies that the minimum charge for removing  
9 graffiti is the greater of either \$500 or the actual cost to the City, (including overhead and  
10 administrative costs, as well as attorneys' fees where the Director has elected to seek  
11 recovery of attorneys' fees). The Director shall serve the notice of violation as follows:

12 (1) One copy of the Notice shall be posted in a conspicuous place upon the building  
13 or property.

14 (2) One copy of the Notice shall be served upon each of the following:

15 (A) The person, if known, in real or apparent charge and control of the  
16 premises or property involved;

17 (B) The owner of record;and

18 (C) Any Offending Party/ies.

19 (3) The Director may also serve one copy of the notice upon any other parties with  
20 a recorded interest.

21 Service required by paragraphs 2 and 3 may be made by personal service or by  
22 certified mail.

23 (b) Where property defaced by graffiti is owned by a public entity other than the City  
24 and County, the Director shall cause removal of the graffiti only after securing the consent of  
25 an authorized representative of the public entity that has jurisdiction over the property. The

1 Director shall use all reasonable efforts to minimize graffiti on City-owned property but City-  
2 owned property shall not otherwise be subject to the requirements of this Article except as  
3 provided for in Section 1307.5.

4 **SEC. 1305. REQUEST FOR HEARING; HEARING.**

5 (a) **Request for Hearing.** A property owner and/or Offending Party/ies may request a  
6 hearing in order to contest the notice of violation issued in accordance with Section 1304 by  
7 filing with the Director within thirty (30) calendar days from the date of the notice of violation, a  
8 request for hearing that specifies in detail the basis for contesting the notice of violation.

9 (b) **Notice of Hearing.** Whenever a hearing is requested pursuant to this Section,  
10 the Director shall, within seven (7) calendar days of receipt of the request, notify the property  
11 owner and/or Offending Party/ies of the date, time, and place of the administrative review  
12 hearing by certified mail. Such hearing shall be held no later than forty-five (45) calendar days  
13 after the Director receives the request, unless time is extended by mutual agreement of the  
14 affected parties.

15 (c) **Submittals for the Hearing.** At least five (5) City business days prior to the  
16 hearing, the property owner and/or Offending Party/ies and the City shall submit to the hearing  
17 officer and exchange with one another, written information including, but not limited to, the  
18 following: a statement of the issues to be determined by the hearing officer, a statement of the  
19 evidence to be offered at the hearing and the identity of any witnesses to appear at the  
20 hearing.

21 (d) **Hearing Procedure.** The hearing shall be conducted by a neutral hearing officer  
22 from a City office or department outside the Department of Public Works, appointed by the  
23 Director of Administrative Services.

24 (1) Hearing Request By An Owner: The burden of proof to establish that the  
25 property contains graffiti shall be on the City. The owner shall be entitled to present evidence

1 and demonstrate that his or her property does not contain graffiti. The property owner shall  
2 also be entitled to present evidence and demonstrate that his or her property is burdened with  
3 a disproportionate share of graffiti vandalism, based on factors such as the frequency or  
4 extent of the graffiti, such that requiring the owner to remove the graffiti would result in an  
5 unfair hardship. All testimony shall be under oath, and witnesses maybe cross-examined. The  
6 hearing officer shall ensure that a record of the proceedings is maintained. The determination  
7 of the hearing officer after the hearing shall be final and not appealable.

8 (2) Hearing Request By An Offending Party/ies: The burden of proof to establish  
9 that the property contains graffiti and that the Offending Party/ies defaced, damaged or destroyed  
10 private property with graffiti or other inscribed material or assisted another to deface, damage or  
11 destroy private property shall be on the City. The Offending Party/ies shall be entitled to present  
12 relevant evidence. All testimony shall be under oath, and witnesses may be cross-examined. The  
13 hearing officer shall ensure that a record of the proceedings is maintained. The determination of the  
14 hearing officer after the hearing shall be final and not appealable.

15 (e) **Decision.** The hearing officer shall issue a decision including a summary of the  
16 issues and the evidence presented, and findings and conclusions, within ten (10) calendar  
17 days of the conclusion of the hearing. A copy of the decision shall be served upon the  
18 property owner and/or Offending Party/ies by certified mail. The decision shall be the City's final  
19 administrative determination. An aggrieved party may seek judicial review of the decision  
20 pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

## 21 **SEC. 1306. ABATEMENT BY DIRECTOR.**

22 (a) Following the hearing if the City sustains its burden of proof, or if the property  
23 owner and/or Offending Party/ies does not request a hearing and fails to remove the graffiti within  
24 thirty (30) calendar days from the date of the notice of violation, the Director may immediately  
25 order that the graffiti be abated. Unless the Director has obtained written consent from the

1 property owner to enter the property and remove the graffiti, before initiating abatement the  
2 Director shall obtain a court order authorizing the Department of Public Works to enter upon  
3 the property and remove the graffiti and give written notice of the abatement (Abatement  
4 Order) served in accordance with Section 1304(a). The Director may not order a graffiti  
5 abatement action that may violate the California Art Preservation Act (California Civil Code  
6 Sections 987 et seq.) or the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et  
7 seq.) without first consulting with the City Attorney.

8 (b) Alternatively, the Director may provide paint for graffiti removal to a property  
9 owner at no charge. In return, the property owner shall agree in writing to paint over the graffiti  
10 giving rise to the violation within 10 City business days from receiving the paint. A property  
11 owner's failure to paint over the graffiti within that time shall be ground for the Director to issue  
12 a new notice of violation under Section 1304.

13 (c) If the hearing officer determines that a hardship exists, the Director is authorized  
14 to remove the graffiti at no cost to the property owner, provided that the owner releases the  
15 City from liability by providing the Director with a signed waiver of liability. The Director may  
16 develop forms for this purpose.

17 (d) The following procedures shall apply to actions by the Director to abate and  
18 recover costs for abatement of graffiti on private property:

19 (1) **Abatement Action.** After obtaining a court order, the Director shall implement  
20 the Abatement Order. The Director may enter upon the property and cause the removal,  
21 painting over or other eradication of the graffiti as the Director deems appropriate. The  
22 Director shall not authorize or undertake to provide for the painting or repair of any more  
23 extensive area than that where the graffiti is located, except where the Director determines in  
24 a written notice to the owner that a more extensive area is required to be repainted or repaired  
25 in order to avoid an aesthetic disfigurement to the neighborhood or community. Where the

1 Director removes graffiti in accordance with the requirements of this Article, the owner and/or  
2 Offending Party/ies shall pay the greater of either \$500 or the actual cost (including overhead  
3 and administrative costs, as well as attorneys' fees where the Director has elected to seek  
4 recovery of attorneys' fees) of removing the graffiti. The Director shall provide an accounting  
5 to the owner and/or Offending Party/ies of the costs of the abatement action (Abatement  
6 Accounting) on a full cost recovery basis not later than 10 days from the date the abatement  
7 action is completed. The Abatement Accounting shall include all administrative costs incurred  
8 by the City in abating graffiti on the property. The total amount set forth in the Abatement  
9 Accounting shall be due and payable by the owner and/or Offending Party/ies within 30 days  
10 from the date of mailing of the Abatement Accounting.

11 (2) **Recovery of Attorneys' Fees.** At the time the abatement action is filed, the  
12 Director may elect to seek recovery of attorneys' fees incurred in a graffiti abatement action  
13 under this Article. In a case where the Director makes this election, the prevailing party shall  
14 be entitled to recover attorneys' fees. In no event shall the award of attorneys' fees to a  
15 prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the  
16 action.

17 (3) **Lien.** If all or any portion of the amount set forth in the Abatement Accounting  
18 remains unpaid after 30 days of the mailing of the Abatement Accounting, such portion shall  
19 constitute a proposed lien on the property which was the subject matter of the Abatement  
20 Action. Except as otherwise specified in this subparagraph, such liens shall be imposed in  
21 accordance with Chapter 10, Article XX of the Administrative Code. Property owners seeking  
22 to challenge the amount of the Abatement Accounting may do so at the hearing authorized  
23 under Chapter 10, Article XX of the Administrative Code.

24 (A) In addition to the requirements imposed under Section 10.232 of the ~~San~~  
25 ~~Francisco~~ Administrative Code, the notice to the property owner of the hearing on the

1 proposed lien shall be served in the same manner as a summons in a civil action in  
2 accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2  
3 of the California Code of Civil Procedure. Where, after diligent search, the owner of record  
4 cannot be found, the notice may be served by posting a copy in a conspicuous place upon the  
5 property for a period of ten (10) days and publication thereof in a newspaper of general  
6 circulation.

7 (B) Any lien authorized by this Section shall specify the amount of the lien, the name  
8 of the department initiating the abatement proceeding, the date of the abatement order, the  
9 street address, legal description and assessor's parcel number of the parcel on which the lien  
10 is imposed, and the name and address of the recorded owner of the parcel.

11 (C) Where a lien authorized by this Section is discharged, released or satisfied,  
12 either through payment or foreclosure, the Tax Collector shall record a notice of the discharge  
13 containing the information specified in subparagraph (B). Any such notice of discharge shall  
14 be subject to the Release of Lien Fee imposed pursuant to Section 10.237 of the *San*  
15 *Francisco* Administrative Code.

16 (4) **Special Assessment.** Notwithstanding anything to the contrary in Article XX of  
17 Chapter 10, pursuant to Section 38773.5 of the California Government Code, the Board of  
18 Supervisors may order that the amount of the lien be specially assessed against the parcel.  
19 Upon such an order, the entire unpaid balance of the costs, including any penalty and interest  
20 payments on the unpaid balance to the date that the Director reports to the Board shall be  
21 included in the special assessment lien against the property. The Director shall report charges  
22 against delinquent accounts to the Board of Supervisors at least once each year. At the time  
23 the special assessment is imposed, the Director shall give notice to the property owner by  
24 certified mail, and shall inform the property owner that the property may be sold by the Tax  
25 Collector for unpaid delinquent assessments after three years. The assessment may be

1 collected at the same time and in the same manner as ordinary municipal taxes are collected,  
2 and shall be subject to the same penalties and procedure and sale in case of delinquency as  
3 provided for ordinary municipal taxes. All tax laws applicable to the levy, collection and  
4 enforcement of ordinary municipal taxes shall be applicable to the special assessment.  
5 However, if any real property to which a cost of abatement relates has been transferred or  
6 conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value  
7 has been created and attaches thereon, prior to the date on which the first installment of taxes  
8 would become delinquent, then the cost of abatement shall not result in a lien against the real  
9 property but instead shall be transferred to the unsecured roll for collection.

10 **SEC. 1307.5 CIVIL ACTIONS AGAINST OFFENDING PARTY/IES.**

11 The following procedures shall apply to actions by the City and County of San Francisco  
12 against Offending Party/ies to enjoin, abate, and recover costs for abatement of graffiti committed in  
13 violation of Section 1303:

14 (a) **Graffiti on Public Property.** In addition to any other remedies available at law or  
15 equity, the City Attorney is authorized to initiate a civil action for injunctive relief, civil penalties, costs,  
16 and fees as set forth below. In an action for graffiti violations on public property, Offending Party/ies  
17 may be enjoined, shall be liable for civil penalties of up to \$1000 per graffiti incident or other  
18 equivalent equitable or injunctive relief in the form of community or civic service, and shall be liable  
19 for any and all investigation, abatement and litigation costs. Attorneys' fees shall be awarded to the  
20 prevailing party in any litigation brought pursuant to this Section 1307.5(a).

21 (b) **Graffiti on Private Property.** If the City Attorney brings a civil action under Section  
22 1307.5(a) above, the City Attorney may also, where appropriate, offer evidence that the Offending  
23 Party/ies committed additional graffiti incidents on private property. In such a case, the City Attorney  
24 may seek additional civil penalties of up to \$1000 per private property graffiti incident or other  
25 equivalent equitable or injunctive relief in the form of community or civic service, any and all

1 associated investigation, abatement and litigation costs, as well as any restitution to any affected  
2 private property owners for out of pocket expenses associated with the abatement.

3 (c) The remedies in this Section 1307.5 are in addition to any other remedies provided by  
4 law. No provision in this Article shall preclude prosecution of actions for civil and criminal penalties  
5 concurrently, sequentially or individually

6  
7 Section 5. Uncodified Provisions.

8 (a) Effective Date. This ordinance shall become effective 30 days after enactment.  
9 Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance  
10 unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
11 Supervisors overrides the Mayor's veto of the ordinance.

12 (b) Undertaking for the General Welfare. In enacting and implementing this  
13 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
14 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
15 would be liable in money damages to any person who claims that such breach proximately  
16 caused injury.

17 (c) No Conflict with State or Federal Law. Nothing in this ordinance shall be  
18 interpreted or applied so as to create any requirement, power, or duty in conflict with any  
19 State or federal law.

20 (d) Severability. If any of section, subsection, sentence, clause, phrase or word of  
21 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any  
22 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
23 portions of the ordinance. The Board of Supervisors hereby declares that it would have  
24 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and  
25

1 word not declared invalid or unconstitutional without regard to whether any other portion of  
2 this ordinance would be subsequently declared invalid or unconstitutional.

3 (e) Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
4 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
5 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
6 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
7 additions, and Board amendment deletions in accordance with the "Note" that appears under  
8 the official title of the ordinance.

9  
10 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

11 By:

12 YVONNE R. MERE  
Deputy City Attorney

13  
14 n:\legana\as2014\1400304\00912437.doc

## 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

**CITY AND COUNTY OF SAN FRANCISCO  
BOARD OF SUPERVISORS**

**BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1150, San Francisco, CA 94102

(415) 552-9292 FAX (415) 252-0461

**POLICY ANALYSIS MEMORANDUM**

To: Supervisor Breed  
From: Budget and Legislative Analyst  
Date: March 13, 2014  
Re: Economic Impact of Graffiti



**Summary of Requested Action**

Pursuant to your request, the Budget and Legislative Analyst has prepared a report on the economic impact of graffiti on the City and County of San Francisco. Your office requested that we determine how much the City, private property owners, Federal and state agencies and special districts that own property within the City boundaries pay for graffiti abatement and graffiti related costs annually.

*For further information about this report, please contact Fred Brousseau at the Budget and Legislative Analyst's Office.*

---

**Cost of Graffiti Abatement in San Francisco**

The Budget and Legislative Analyst estimates *at least* \$24.1 million in annual costs for graffiti abatement is incurred by the City and County of San Francisco, other government entities within the City boundaries, and private property owners. It should be noted that this amount likely understates the actual total since it does not include costs by certain City and County agencies that could not provide a breakdown of their costs for graffiti abatement, undocumented graffiti abatement performed by private property owners and costs incurred by Bay Area Rapid Transit District (BART), which did not respond to requests for cost information by the Budget and Legislative Analyst. Exhibit 1 presents details on the approximately \$24.1 million in estimated annual costs.

<b>Exhibit 1: Total Estimated Annual Graffiti Abatement Costs in San Francisco, FY 2012-13</b>	
<b>Entity</b>	<b>Cost</b>
City and County of San Francisco	\$19,395,102
San Francisco Unified School District	277,800
Golden Gate Bridge Highway & Transportation District	25,000
City College of San Francisco	62,500
Minimum Private Property Owners Abatement	3,370,407
Federal & State Government	961,063
<b>Total</b>	<b>\$24,091,872</b>

Source: Each agency listed.

#### City and County of San Francisco Graffiti Abatement Costs

In Fiscal Year (FY) 2012-13, graffiti abatement cost the City and County of San Francisco ("the City") at least an estimated \$19.4 million, as shown in Exhibit 2.

<b>Exhibit 2: Cost of Graffiti Abatement to the City and County of San Francisco FY 2012-13</b>	
<b>City Departments &amp; Agencies</b>	<b>Estimated Cost</b>
Municipal Transportation Agency (SFMTA)	\$15,000,000
Public Works (DPW)	3,605,256
Police Department Abatement Program & Arrests (SFPD)*	327,500
Recreation and Park Department (RPD)	299,031
Arts Commission	75,000
Public Utilities Commission (SFPUC)	65,858
Port (SFPORT)	22,067
Fire Department (SFFD)	390
<b>Total</b>	<b>\$19,395,102</b>

Source: Each agency listed.

\* This includes costs for the 201 arrests made for graffiti-related crimes in FY 2012-13 and for costs of operating the SFPD graffiti abatement program, Juvenile Alternative Works (JAWS), in which program participants paint over public property that has been vandalized and which DPW has approved to paint.

The City's costs are based on estimated annual expenses for FY 2012-13 reported by eight City departments identified by the Budget and Legislative Analyst as likely to incur graffiti abatement costs.

As shown in Exhibit 2, the Municipal Transportation Agency (SFMTA) incurs the largest costs, estimated by the Agency to be \$15 million in FY 2012-13. The second highest graffiti abatement costs estimated by City departments for FY 2012-13 were reported by the Department of Public Works (DPW). These costs are primarily for DPW staff time spent painting or washing out graffiti on the City's publically owned facilities and right-of-way assets including trees, sidewalks, city trash cans and benches that are not located in transit stations. DPW is not responsible for abating graffiti in parks or on property owned by enterprise departments. Costs for the enterprise departments are also primarily for staff and/or contractors abating graffiti.<sup>1</sup>

Due to several data limitations, some known City costs are not included in the estimated annual \$19.4 million cost because certain departments did not have information about their graffiti-related workload or costs. The District Attorney's Office, for example, could not report the number of graffiti cases that they prosecuted in FY 2012-13. According to the District Attorney's staff, 205 vandalism cases were charged in FY 2012-13 and 125 vandalism cases were referred to the Neighborhood Courts Program; however, District Attorney's Office staff was unable to report how many of the vandalism cases were graffiti-related nor could they provide the estimated cost of each case.

Moreover, SFMTA staff report that the estimated \$15 million in annual graffiti abatement costs does not include the costs of any service delays or missed trips due to removing buses with graffiti from their normally scheduled routes. Similarly, the Arts Commission reports that it receives approximately \$75,000 each year from the Capital Planning Committee (CPC) for conservation and maintenance of the City's Civic Art Collection (Collection) which is comprised of 4,000 objects and historical monuments and valued at \$90 million. Rebekah Krell, Deputy Director and CFO of the Arts Commission, advises that each year the entire \$75,000 is spent on removing graffiti from the Collection in lieu of other conservation efforts. Ms. Krell also noted that the funds are spent on equipment and labor to abate the graffiti and does not include Arts Commission staff time to manage or arrange the abatement activities.

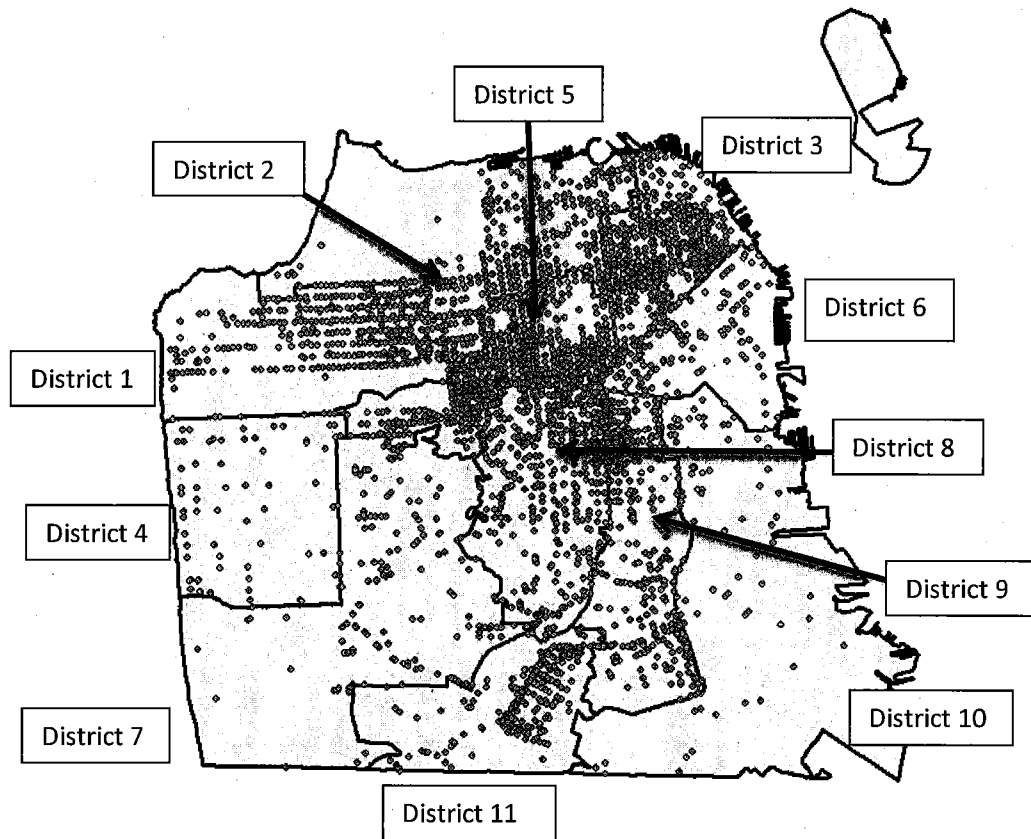
#### **DPW Graffiti Caseload**

In FY 2012-13, the Department of Public Works (DPW) received 8,174 graffiti reports through San Francisco's 311 Customer Service Center. DPW does not track reported graffiti by supervisorial district; however, based on the locations of reported graffiti shown in Exhibit 3 below, reported graffiti appears to be concentrated in Supervisorial Districts 2, 3, 5, 8, and 9.

---

<sup>1</sup> Several departments such as PUC and MTA have work orders with DPW to abate graffiti on some of their properties. These work orders have been factored into DPW's costs.

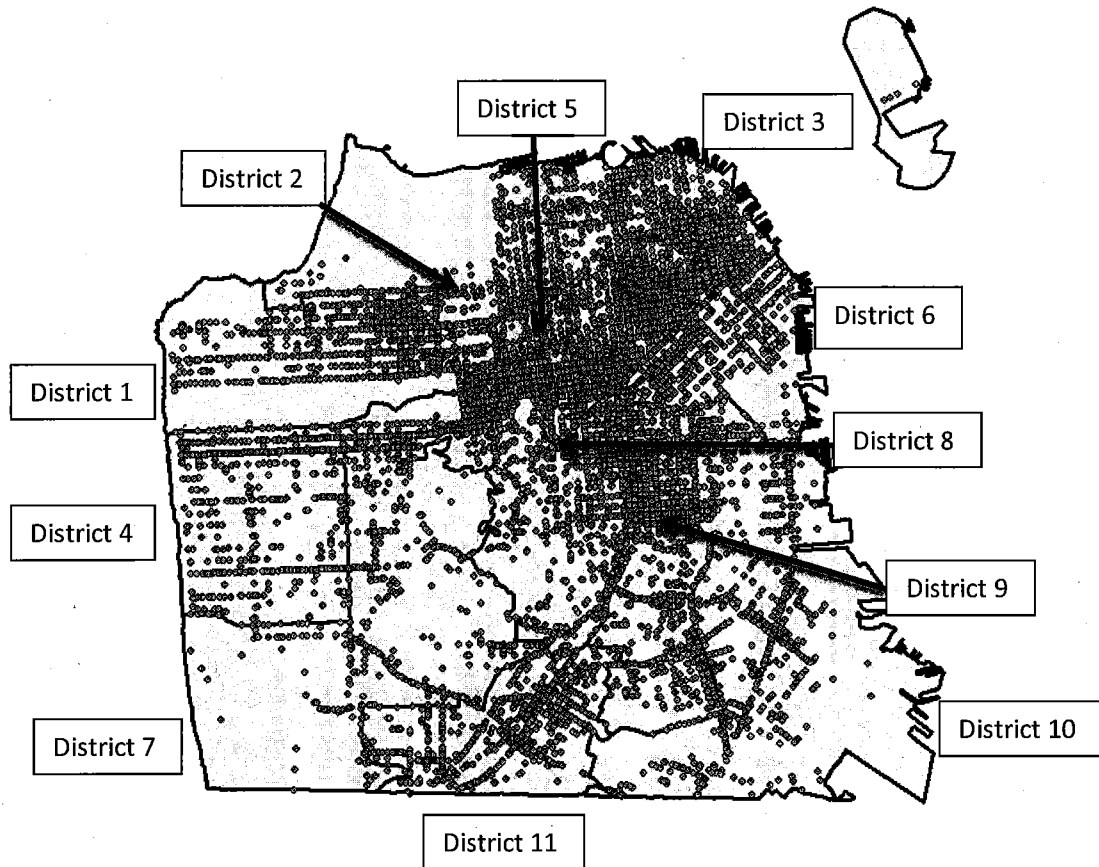
**Exhibit 3: Map of Graffiti Reported to  
Department of Public Works, FY 2012-13, by Supervisorial District**



**Source:** Map created by the Budget and Legislative Analyst with data provided by DPW.

Exhibit 4 shows the locations of the 58,726 graffiti objects that DPW abated in FY 2012-13.<sup>2</sup>

**Exhibit 4: Map of DPW Graffiti Abatements, FY 2012-13**



**Source:** Map created by the Budget and Legislative Analyst with data provided by DPW.

Similar to graffiti reported as shown in Exhibit 3, the location of graffiti objects that were abated by DPW staff appears to be concentrated in Supervisorial Districts 2, 3, 5, 6 and 9 and the eastern border of Supervisorial District 8; however, DPW does not track graffiti abatements by supervisorial district either.

---

<sup>2</sup> Abated objects are located on both city owned and non-city owned property which DPW abates through work orders.

#### Other Government Graffiti Abatement Costs

The Federal and state government own multiple properties in San Francisco that are impacted by graffiti. The Budget and Legislative Analyst obtained estimates of \$961,063 in annual graffiti abatement costs from the U.S. Postal Service, the U.S. National Park Service, the U.S. General Services Administration, the California Department of General Services and the California Department of Transportation (Caltrans) as shown in Exhibit 5.

<b>Exhibit 5: Federal and State Government's Estimated Annual Costs of Abating Graffiti in San Francisco</b>	
<b>Agency</b>	<b>Cost</b>
U.S. Postal Service	\$823,141 <sup>3</sup>
U.S. Forestry Service	28,500
U.S. General Services Administration	2,200 <sup>4</sup>
<i>Federal subtotal</i>	853,841
California Department of General Services	4,000
Caltrans	103,222
<i>State Subtotal</i>	107,222
<b>Total</b>	<b>\$961,063</b>

Source: Each agency listed. Costs are annual for each agency, though some were reported on calendar year basis; others on fiscal year basis.

Other local government entity annual graffiti abatement costs identified by the Budget and Legislative Analyst totaled \$365,300 as shown in Exhibit 6. These costs are comprised of \$277,800 in estimated annual costs incurred by the San Francisco Unified School District, \$25,000 in annual costs incurred by the Golden Gate Bridge, Highway and Transportation District in San Francisco only and \$62,500 in annual costs incurred by City College of San Francisco. Cost estimates were requested but not provided by BART.

---

<sup>3</sup> This is an estimate based on data provided by the U.S. Postal Service, San Francisco District Maintenance. According to the Manager of the Maintenance Operation Support, the San Francisco Postal Service Maintenance Department abated graffiti from approximately 2,200 collection/relay mailboxes in the City of San Francisco in calendar year 2013. Because the Department was unable to provide data on how many mailboxes had to be completely repainted, replaced or if only minor painting was needed, the average cost was used. At minimum, the cost for paint supplies (\$58.31) and two hours of labor (\$90) for each vandalized mailbox is \$326,282 and the maximum cost to replace (\$600) all the mailboxes that were vandalized is \$1,320,000.

<sup>4</sup> Only one property manager for GSA buildings was able to provide data.

**Exhibit 6: Other Local Government Estimated Annual Costs of  
Abating Graffiti in San Francisco**

Agency	Cost
San Francisco Unified School District <sup>5</sup>	\$277,800
Golden Gate Bridge, Highway and Transportation District	25,000
City College of San Francisco	62,500
<b>Total</b>	<b>\$365,300</b>

Source: Each agency listed. Costs are annual for each agency, though some were reported on calendar year basis; others on fiscal year basis.

**Private Sector Costs for Graffiti Abatement**

In accordance with the City's Graffiti Ordinance (San Francisco Public Works Code, Article 23, Section 1300), it is against the law for a private property owner in San Francisco to allow graffiti to remain on their property. Graffiti must be removed in a timely manner at the owner's expense.

If a property owner fails to quickly remove the graffiti in a timely manner, DPW staff will issue a graffiti Notice of Violation (NOV) to the property owner. The NOV provides the owner 30 days to remove the graffiti or request a hearing. If the owner fails to remove the graffiti or request a hearing within 30 days from the date of the notice, a Blight Notification is issued along with a \$267 fine pursuant to Section 80.5 of the City's Administrative Code. The owner then has 15 days after receiving the Blight Notification to abate the graffiti. If the owner fails to abate the graffiti within 15 days, DPW or a contractor hired by DPW will abate it at the owner's expense. DPW charges a minimum of \$500 for abating graffiti on private property or they charge the actual cost to the City if it is greater than \$500.

An owner can request a hearing within 30 days of receiving a NOV to contest it. During the hearing, the property owner can present evidence and demonstrate that his or her property does not contain graffiti or can demonstrate that their property is burdened with a disproportionate share of graffiti vandalism and abating the graffiti would result in an unfair hardship.

In instances when an unfair hardship has been determined, DPW staff or a contractor can abate the graffiti at no cost to the property owner or provide the owner with paint for graffiti removal at no charge. In return, the property owner must agree in writing to paint over the graffiti within 10 City business days from receiving the paint or a new notice will be issued.

As shown in Exhibit 7, in both calendar year 2012 and 2013, Supervisorial District 9 had the highest percentage of graffiti Notices of Violation (NOVs) relative to other

---

<sup>5</sup> This is based on data provided by the SFUSD to DPW staff.

Supervisory Districts with 23.7% and 23.5% of total graffiti NOV's, respectively. Supervisory District 2 had the lowest percentage of graffiti NOV's relative to other Supervisory Districts in calendar year 2012 and 2013.

Exhibit 7: Number of Graffiti Notices of Violation Issued to Private Property Owners, 2012 and 2013				
Supervisory District	# of Notices of Violation 2012	% Total Notices of Violation	# of Notices of Violation 2013	% Total Notices of Violation
1	607	6.3%	513	4.3%
2	156	1.6%	254	2.2%
3	1329	13.8%	1755	14.9%
4	207	2.2%	285	2.4%
5	1074	11.2%	1135	9.6%
6	1782	18.6%	2384	20.2%
7	167	1.7%	304	2.6%
8	508	5.3%	703	6.0%
9	2271	23.7%	2770	23.5%
10	748	7.8%	859	7.3%
11	701	7.3%	824	7.0%
Unknown <sup>6</sup>	46	0.5%	12	0.1%
<b>Total</b>	<b>9,596</b>	<b>100.0%</b>	<b>11,800</b>	<b>100%</b>

Source: Department of Public Works

The Budget and Legislative Analyst estimates that in calendar year 2013, the estimated annual costs for graffiti abatement by private property owners were \$3,370,407. This estimate is the average between estimated minimum and maximum costs to private property owners to remove graffiti. Minimum costs were determined by the Budget and Legislative Analyst to be \$685,907 which is based on the number of graffiti NOV's in 2013, the cost of a gallon of paint and paint application, which is \$45, and \$154,907 in revenue collected from Blight Notification fines in FY 2012-13 reported by DPW.<sup>7</sup> The estimated maximum cost to private property owners in 2013 was \$6,054,907 which is based on the minimum price that DPW charges for removing graffiti (\$500) plus \$154,907 in Blight Notification fines. Based on these two calculations, the average annual costs for private property owners was \$3,370,407 in calendar year 2013. It should be noted that the actual cost to private property owners is likely much *higher* than the estimated \$3,370,407 because it does not capture the cost of graffiti abatement that was performed in a timely manner - prior to a property owner receiving an NOV for which there is no data. Furthermore, it does not account for the abatements that were much more expensive than DPW's minimum \$500 graffiti removal fee which are also not recorded.

<sup>6</sup> DPW staff was unable to decipher based on available information the Supervisory District in which these NOV's were issued.

<sup>7</sup> Based on prices from The Home Depot retrieved from homedepot.com January 27, 2014.

Property owners are also negatively impacted through reduced property values as a result of graffiti. Academic research suggests that graffiti is a symbol of community instability and deterioration and induces a fear of crime which reduces demand for homes in those neighborhoods.<sup>8</sup> Moreover, existing literature has found that in general, crime has a negative effect on property values and the magnitude of the effect varies by crime type. One study conducted in London found that a 10% increase from the mean in “crimes to dwellings” (vandalism, graffiti and arson) in Inner London<sup>9</sup> is associated with a 1.6% decrease in property values, or a decrease of 2,200 pounds (\$3,080) on average for an Inner London property in 2001.<sup>10 11</sup>

Assuming San Francisco has a similar rate of “crimes to dwellings” per square kilometer per year,<sup>12</sup> and we apply the findings from the study conducted in London to San Francisco’s total assessed property value, which was a \$153 billion at the end of fiscal year 2013, a 10% increase in “crimes to dwellings” is associated with a \$2.4 billion reduction in assessed property value, a 1.6% decrease. It is important to note, however, that graffiti is just one component of “crimes to dwellings” which also includes vandalism and arson; therefore, the decreased property value attributed exclusively to graffiti is a portion of the \$2.4 billion decrease.

---

<sup>8</sup> Gibbons, Stephen, The Costs of Urban Property Crime. *Economic Journal*, Vol. 114, No. 499, pp. F441-F463, November 2004. Available at SSRN: <http://ssrn.com/abstract=608447>

<sup>9</sup> The population mean is 50 crimes per year per kilometer squared and a 10% increase equals 5 crimes per year per kilometer squared. The standard deviation is 30 crimes per year per square kilometer, therefore a one-tenth standard deviation increase is associated with a 1% decrease in property values or a one standard deviation increase in crime density is associated with a 10% decrease in property values.

<sup>10</sup> 10% from the sample mean of 50 which equals 5 crimes

<sup>11</sup> The 2001 exchange rate from U.K. pounds to U.S. dollars was 1.4.

<sup>12</sup> San Francisco has approximately 46.6 vandalism crimes per square kilometer per year based on data from SFPD’s CrimeMAPS.



SAN FRANCISCO  
**GRAFFITI  
ADVISORY  
BOARD**

Edwin M. Lee, Mayor

City Hall  
1 Dr. Carlton B. Goodlett Place, #248  
San Francisco, CA 94102-4645  
415.695.2003  
[www.sfdpw.org/gab](http://www.sfdpw.org/gab)

Larry Stringer, Chair  
Jana Lord, Vice Chair

April 16, 2014

San Francisco Board of Supervisors  
1 Carlton B Goodlett Pl 244, San Francisco, CA 94102  
[Board.of.supervisors@sfgov.org](mailto:Board.of.supervisors@sfgov.org)

**RE: File # 140261, Ordinance to amend Park, Police and Public Works codes – Graffiti Prevention & Abatement (Breed)**

Dear Supervisors Mar, Farrell, Chiu, Tang, Breed, Kim, Yee, Wiener, Campos, Cohen, and Avalos:

The San Francisco Graffiti Advisory Board offers its full support of Supervisor London Breed's proposed Ordinance to amend the Park, Police and Public Works codes to provide new graffiti prevention and abatement tools to the City of San Francisco.

Several members of the Graffiti Advisory Board have participated in the development of this legislation. While the Graffiti Advisory Board is committed to reviewing, evaluating and improving the City's current services and programs related to graffiti prevention, abatement and enforcement, priority is also placed on identifying and exploring innovative ideas on ways to combat graffiti.

The Graffiti Advisory Board considers the proposed Ordinance to be a positive step toward shifting the greater burden of graffiti vandalism to the offenders, and away from the victim. This legislation seeks to ensure that those committing graffiti vandalism will face consequences for their actions. To date, the cost of graffiti vandalism has fallen on the shoulders of taxpayers and property owners, while there have been few substantive consequences for those causing graffiti-related blight and damage. This legislation will provide meaningful civil consequences for graffiti vandals, by allowing for civil suits, penalties and restitution. In addition, by allowing the Department of Public Works to utilize administrative processes against graffiti vandals, and by preventing graffiti offenders from carrying known graffiti implements in to our parks and on to our MUNI vehicles, this legislation provides the City of San Francisco with valuable new tools in the effort to reduce graffiti-related costs and blight.

We at the San Francisco Graffiti Advisory board hope the Board of Supervisors will join Supervisor London Breed in supporting this important proposed legislation.

Sincerely,

San Francisco Graffiti Advisory Board

CC: Mayor Edwin Lee  
Erica Major, Clerk, Government Audit & Oversight Committee  
[Erica.major@sfgov.org](mailto:Erica.major@sfgov.org)

**LONDON N. BREED**

FOR IMMEDIATE RELEASE  
Month 17, 2014

Contact: Conor Johnston  
conor.johnston@sfgov.org  
415.554.7630

**Supervisor London Breed Introduces Comprehensive Overhaul  
of San Francisco's Graffiti Policies**

**San Francisco**— District 5 Supervisor London Breed introduced a comprehensive overhaul of San Francisco's graffiti policies today at City Hall. Based on a nationwide study of best practices, the new policies will streamline evidence-gathering, enable the City Attorney to pursue civil lawsuits against the worst graffiti offenders, save the City money, and tighten graffiti controls in City parks and on Muni—all without harsh, ineffective criminal charges.

Supervisor Breed was joined by City Attorney Dennis Herrera, SFMTA Director Ed Reiskin, Public Works Director Mohammed Nuru, City Administrator Naomi Kelly, 311 Director Nancy Alfaro, SFPD Deputy Chief Hector Sainez, SFPD Officer Martin Ferreira, Graffiti Advisory Board (GAB) Chair Larry Stringer, GAB members, SF Arts Commission members, artist and GAB member Melorra Green, and SF Beautiful members and staff.

"Graffiti costs San Francisco taxpayers *at least* \$19.4 million per year," said Supervisor Breed. "That's money the City could use to fund nearly 100 affordable housing units, purchase 30 new hybrid buses, or pay DPW's street tree maintenance budget ten times over."

"It's a big problem," Breed continued. "But in developing this legislation, I did not wish to follow the path of those who view every crime as an opportunity for yet harsher punishment. We crafted a plan that will both reduce graffiti offenses and provide better outcomes for graffiti offenders."

Supervisor Breed's proposal will enable the City Attorney to pursue civil cases against repeat graffiti offenders: "taggers" who commit the overwhelming majority of offenses. The plan will centralize evidence collection by having the City's graffiti abatement employees, particularly at DPW and MTA, photograph offenses with their smart phones. They then will submit those reports to SFPD via the 311 app. 311 is customizing its interface to streamline this reporting and provide SFPD the best possible data with the reporter's name, date, size of offense, type of material, etc. Reporting employees will no longer have to make specific estimates of damages, as 311 will calculate it automatically based on newly-created cost matrices. The SFPD will curate the database of offenses, and with the help of a new crime analyst, will identify serial tags and taggers. Those serial cases will be referred to the City Attorney to underpin civil suits for monetary damages and/or community service.

Several jurisdictions in Southern California are using an enforcement system similar to this, Supervisor Breed noted. "Pico Rivera in East Los Angeles, for example, reportedly saw its graffiti abatement areas decrease from 300,000 ft<sup>2</sup> to 137,000 ft<sup>2</sup>—a 55% drop—in the first four years. If that happened in San Francisco it would be a savings of \$11 million."

Supervisor Breed's plan also includes legislation to tighten graffiti controls and codify the new procedures. Her legislation will:

- Revise the City's "Graffiti Ordinance" so it can be used against the perpetrator of graffiti, not just the victim, i.e. the property owner;
- Codify the City Attorney's authority to pursue civil damages;
- Revise the Park Code to ban the possession of spray paint, etching tools, and "slap tags"\* in any City park;
- Revise the Police Code to prohibit anyone with a recent graffiti conviction or plea from carrying spray paint, etching tools, or "slap tags" on Muni vehicles; and
- Add a general policy that City departments will collaborate on graffiti and pursue all effective enforcement avenues.

"It is inspiring to think that with a lot of collaboration and a little technology, we can solve some of the City's most vexing problems," said Breed.

"Supervisor Breed is introducing a smart and effective new approach that will improve enforcement, speed abatement and create intervention aimed at discouraging graffiti rather than solely punishing it," said **City Attorney Dennis Herrera**. "I applaud Supervisor Breed for her leadership on this issue, and my office is committed to being a full partner in the multifaceted approach she is proposing."

"The approach proposed by Supervisor Breed provides us another important tool to go after the perpetrators and repeat offenders who blight our neighborhoods," said **Public Works Director Mohammed Nuru**. "By bolstering the collaboration among City agencies with improved reporting and information-sharing, we boost our chances to hold graffiti vandals accountable for their illegal actions and hopefully deter them from tagging again."

"We are grateful for Supervisor Breed's leadership," said **SFMTA Director of Transportation Ed Reiskin**. "By helping the SFMTA reduce its costs for fighting graffiti, which run more than \$15 million per year, this thoughtful and proven approach to graffiti enforcement should ultimately reduce the incidence of graffiti, which will help us make Muni service more reliable and enjoyable for all our customers."

*\*Slap tags are a new form of graffiti in the form of marked stickers that are applied liberally upon vehicles, structures, etc. and are very arduous to remove. Supervisor Breed's legislation marks the first time San Francisco law will directly address them.*

###



SAN  
FRANCISCO  
CHAMBER OF  
COMMERCE

BOS-11  
cpa 9-1  
JHO clerk

FILE 140261

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 APR 16 AM 9:23  
AK

April 15, 2014

The Honorable David Chiu, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Drive, Suite 244  
San Francisco, CA 94102

RE: File # 140261: Park, Police, Public Works Codes – Graffiti Prevention and Abatement

Dear President Chiu,

The San Francisco Chamber of Commerce, representing over 1,500 local businesses, supports Supervisor London Breed's Graffiti Prevention and Abatement ordinance coming before the Board of Supervisors Government Audit and Oversight Committee on April 24, 2014.

This ordinance will make graffiti vandals financially responsible for the destruction of property they cause by enabling the City Attorney to pursue civil remedies against them. Rather than treating businesses and property owners who are victims of repeated graffiti vandalism as responsible for crimes committed against them, it puts the responsibility for restitution and clean-up where it belongs – with the vandals.

The cost to the city for graffiti abatement is over twenty million dollars each year, which doesn't include the costs to private citizens who clean up graffiti themselves. Much of that money will be redirected to other vital city services once graffiti vandals get the message that they will be on the hook to pay for the damage they cause through painting, etching and tagging public and private properties.

This legislation works in other cities and is long overdue here. The San Francisco Chamber of Commerce applauds Supervisor Breed's effort to stop graffiti at its source, and we urge the Board of Supervisors to support this measure as well.

Sincerely,

Jim Lazarus  
Senior Vice President of Public Policy

cc: Clerk of the Board of Supervisors: please distribute to all supervisors

# Make the vandals pay for the blight they create

By Bob Linscheid

There is a long list of reasons why San Francisco and cities around the country are working to fight against graffiti vandalism. The unlawful markings damage the appearance of buildings and public spaces, add to blight and crime in our communities, depress property values and cost American taxpayers an estimated \$12 billion every year. The annual cost of graffiti in San Francisco now stands at more than \$20 million.

Unlike other property crimes, property owners can be cited for graffiti abatement. Under current law, local property owners are required to remove graffiti within 30 days or face fines ranging from \$267 to \$500 per reported incident — placing the onus of abatement on the victim rather than the vandal.

For businesses repeatedly vandalized, the costs of both removing graffiti and complying with The City's laws can be significant. The City's budget analyst estimated that local property owners spent in excess of \$3.3 million on graffiti abatement last year alone.

Supervisor London Breed recently took a step forward in helping to prevent graffiti vandalism and shift city policies to penalize vandals, rather than victims. The proposed package of legislative reforms will empower city workers and residents to report graffiti and help populate a database of evidence that can be used by the city attorney to pursue vandals in civil proceedings, thus forcing them — not their victims — to pay for damage caused.



The legislation also bans the possession of spray paint and other graffiti tools in parks and on Muni, and it provides additional resources for crime analysis and police support.

These sensible actions can go a long way in preventing graffiti and holding vandals accountable. Similar policies are already having great success in other cities. In Pico Rivera in Southern California, graffiti removal by public-works crews declined from 300,000 square feet to 137,000 square feet in the four years after it rolled out a similar program. In San Diego, court-ordered restitutions for graffiti rose from

\$170,000 to more than \$700,000 the first year after the city expanded its Web-based Graffiti Tracker system.

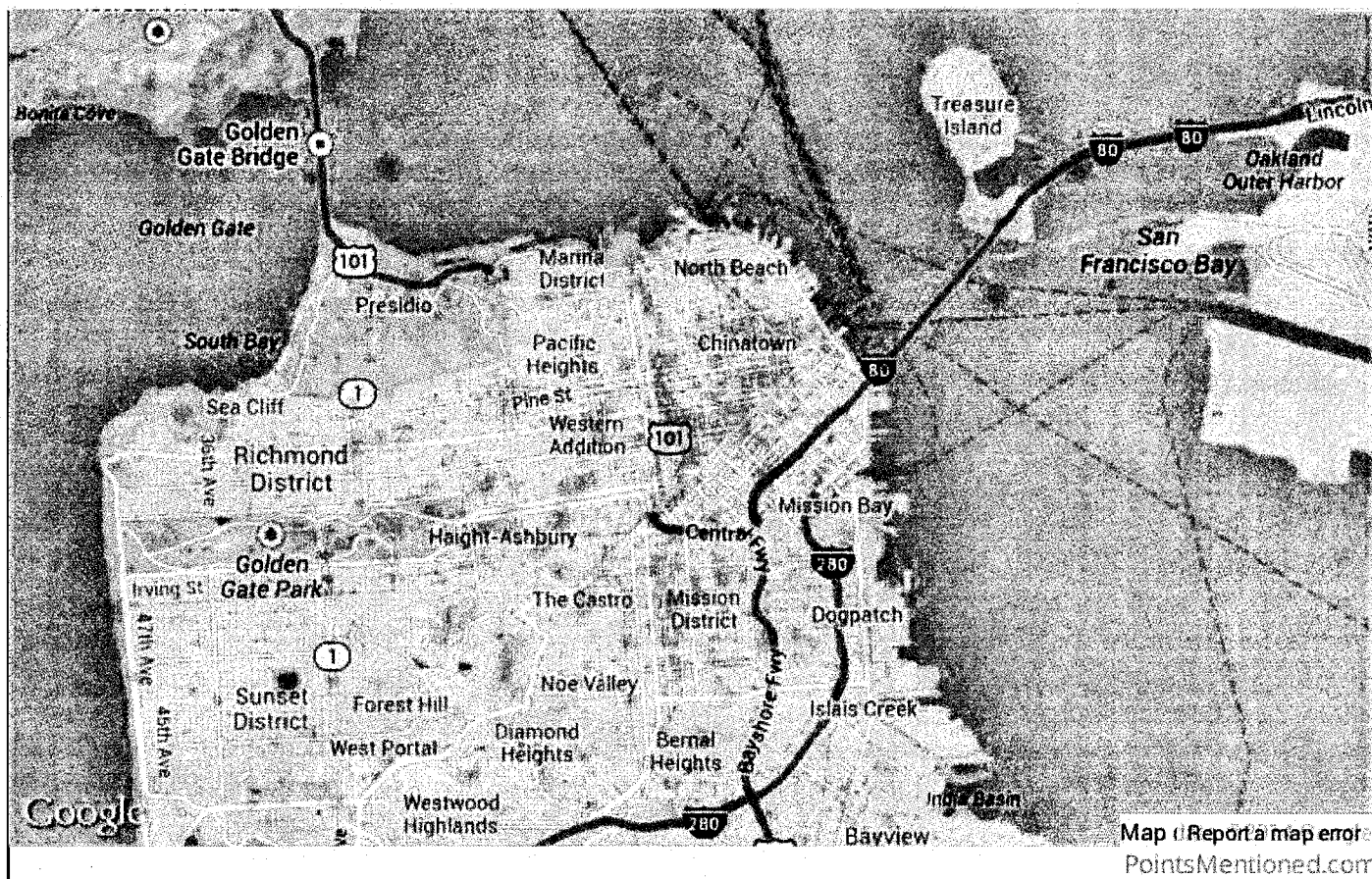
San Francisco is a historic and beautiful city. Unfortunately, current policies are not effective in preventing graffiti and do not hold vandals accountable for their actions. The Chamber of Commerce applauds Breed for taking the first steps necessary to engage everyone in the fight against graffiti.

It's time to shift the onus of graffiti vandalism away from businesses, city agencies and taxpayers and on to the vandals where it belongs.

*Bob Linscheid is the president and CEO of the Chamber of Commerce.*

Login Find nearby stories

Fullscreen Minimize



[More General Opinion »](#)



**BOB LINSCHIED**

Contact Us

Like

7

Tweet

g+1

0

Favorite

Share

Like  0 Tweet  0 Share **April 4**

2014

**Make the Vandals Pay**

There is a long list of reasons why San Francisco and cities around the country are working to fight against graffiti vandalism. The unlawful markings damage the appearance of buildings and public spaces, add to blight and crime in our communities, depress property values and cost American taxpayers an estimated \$12 billion every year. The annual cost of graffiti in San Francisco now stands at over \$20 million.

Unlike other property crimes, property owners can be cited for graffiti abatement. Under current law, local property owners are required to remove graffiti within 30 days or face fines ranging from \$267 to \$500 per reported incident – placing the onus of abatement on the victim rather than the vandal. For businesses repeatedly vandalized, the costs of both removing graffiti and complying with the city's laws can be significant. The city's Budget Analyst estimated that local property owners spent in excess of \$3.3 million on graffiti abatement last year alone.

Supervisor London Breed recently took a step forward in helping to prevent graffiti vandalism and shift city policies to penalize vandals, rather than victims. The proposed package of legislative reforms will empower city workers and residents to report graffiti and help populate a database of evidence that can be used by the City Attorney to pursue vandals in civil proceedings, thus forcing them – not their victims – to pay for damage caused. The legislation also bans the possession of spray paint and other graffiti tools in parks and on Muni, and provides additional resources for crime analysis and police support.

These sensible actions can go a long way in preventing graffiti and holding vandals accountable. Similar policies are already having great success in other cities. In Pico Rivera, graffiti removal by public works crews declined from 300,000 square feet to 137,000 square feet in the four years after it rolled out a similar program. In San Diego, court-ordered restitutions for graffiti rose from \$170,000 to more than \$780,000 the first year after the city expanded its web-based Graffiti Tracker system.

San Francisco is a historic and beautiful city. Unfortunately, current policies are not effective in preventing graffiti and do not hold vandals accountable for their actions. The Chamber applauds Supervisor Breed for taking the first steps necessary to engage everyone in the fight against graffiti. It's time to shift the onus of graffiti vandalism away from businesses, city agencies and taxpayers and on to the vandals where it belongs.

**CONNECT**Follow us on:   

The San Francisco Chamber of Commerce, 235 Montgomery Street, Suite 760, San Francisco, CA 94104

[Click to view this email in a browser](#)

If you no longer wish to receive these emails, please reply to this message with "Unsubscribe" in the subject line or simply click on the following link: [Unsubscribe](#)

San Francisco Chamber of Commerce  
235 Montgomery Street  
Suite 760  
San Francisco, California 94104  
USA

**vertical** DELIVERED BY  
**response**  
Try It Free Today!

## Graffiti down by half in Pico Rivera

By Mike Sprague, SGVN , [twitter.com/WhitReporter](https://twitter.com/WhitReporter)  
Sunday, September 30, 2012

[WhittierDailyNews.com](http://WhittierDailyNews.com)

The Whittier Daily News (<http://www.whittierdailynews.com>)

### Graffiti down by half in Pico Rivera

PICO RIVERA - New technology and a willingness to hit vandals and their parents in the pocketbook apparently have reduced the amount of graffiti in half in this city.

In the last four years, the annual amount of square-footage of graffiti removed by Pico Rivera public works crews has declined from 300,000 square feet to an expected 137,000 square feet this year.

"We feel we have almost eradicated graffiti in Pico Rivera," said Mayor Bob Archuleta. "You can go to parks and churches and you just don't see it any more."

Archuleta and other city officials attribute it to an approach that includes a team of sheriff's deputies and the use of a computer program known as graffiti tracker that helps investigators record, categorize and analyze graffiti patterns.

The city also is taking a tough approach in seeking restitution, Archuleta said.

Since 2006, the courts have awarded more than \$436,000 in restitution and the city has collected nearly \$160,000.

The anti-graffiti program begins with a crew of three public works employees who go out every day and remove the vandalism, said Public Works Director Art Cervantes.

Before the public works crew paints or sprays over the markings, they take a picture of the vandalism. That is then downloaded into the computer for use by sheriff's detectives, Cervantes said.

The database the sheriff's get from the pictures is important and helps deputies identify who actually did the damage, said Detective Jesse Figueroa of the sheriff's Pico Rivera station.

"It gives us information in regards to a specific moniker of a graffiti vandal," Figueroa said.

"Once we've identified them, we're able to contact those individuals and ask them if they committed it."

In many cases, the taggers admit doing the work.

"It's a notoriety thing about them," Figueroa said on how why they will admit to the vandalism. "They're proud of what they do. They write to promote their name."

Once deputies have an admission of guilt, the case is presented to the District Attorney's Office, he said.

"We've seen a very good success rate in terms of prosecution," Figueroa said.

Figueroa said their work appears to be getting noticed by the vandals.

"They know the game is up," he said. "It's time to stop or move somewhere else. I'm assuming the word is out that graffiti is not tolerated in Pico Rivera."

J. Longoria, a deputy probation officer who works with Figueroa, deputy Jesus Hernandez and Sgt. Steven Dodson on the sheriff's team, said she tries to work with the taggers and their families.

"My job is to provide the family with services, such as parenting classes or juvenile mentoring," she said.

She looks into any specific needs of the family, such as if the juvenile is using narcotics, and tries to provide help.

Once the tagger has been convicted and put on probation, deputies and Longoria can do searches in their homes.

The city also is seeking restitution from the convicted graffiti artist or if they're a juvenile, from their parents, said Steve Gutierrez, public works supervisor for the city.

Pico Rivera is getting nearly 40 percent of the money it's sought.

Gutierrez called that a good number, pointing out that in some cases they can't collect.

For example, the individual might be in state prison or off probation. In both cases, the city can't collect, he said.

In other cases, the families may not have the money, Longoria said.

But the restitution helps in reducing graffiti, she said.

"The majority of time the parents are paying and now they're feeling it," Longoria said. "They're more likely to be monitoring their kids."

mike.sprague@sgvn.com

562-698-0955, ext. 3022

**URL: <http://www.whittierdailynews.com/20121001/graffiti-down-by-half-in-pico-rivera>**



## PROGRAMS

Land Use and Regional Growth  
 Transportation  
*TransNet*  
 Regional Airport Access  
 Economics and Finance  
 Environment  
 Borders  
 Public Safety

## RESOURCES

Demographics and Other Data  
 Maps and GIS  
 Regional Models  
 Publications

## SERVICES

Public Information Office  
 Service Bureau  
 Keep San Diego Moving  
 511  
 iCommute  
 FasTrak

## EMAIL NEWSLETTER

Subscribe by entering your  
 email address:

Read newsletter

Select Language ▼

Powered by Google Translate

## News

News Home | News Archive | Region Newsletter

## Graffiti Tracker yields results, court-ordered restitutions up

Graffiti Tracker, a Web-based service that allows users to share and analyze photographs of vandalism taken with GPS-enabled cameras, is helping law enforcement countywide to better document graffiti crimes and identify the most prolific offenders, a new report by SANDAG has found.

Since the County of San Diego expanded Graffiti Tracker last year from three agencies to a total of 13 as part of a regional pilot program, court-ordered restitutions for graffiti cases have risen dramatically from \$170,626 in 2010 to \$783,412 in 2011. This represents a 579 percent increase in restitutions ordered for adult vandals and a 200 percent increase in restitutions ordered for juvenile vandals.

These statistics suggest that regional information sharing made possible by Graffiti Tracker is enabling law enforcement to build stronger cases against the worst offenders. Vandals often don't just stay in one jurisdiction, but are responsible for property damage in multiple cities and unincorporated areas.

"Graffiti Tracker is an effective tool for law enforcement as they combat an expensive problem that causes millions of dollars in property damage each year," SANDAG Director of Criminal Justice Research Dr. Cynthia Burke said.

"Because of this high-tech program, law enforcement agencies from Oceanside to Chula Vista are able to share intelligence on taggers and gangs. Investigators can search a database to identify patterns and link graffiti to specific vandals," Burke said.

The SANDAG report, entitled Graffiti Tracker: An Evaluation of the San Diego County Multi-Discipline Graffiti Abatement Program, found that a total of 82,482 graffiti incidents, or about 226 incidents per day, were documented in Graffiti Tracker across the region in 2011. The annual cost of removing this graffiti, which covered almost 619,000 square feet, is conservatively estimated at almost \$16 million. Nearly three-quarters (74%) of the graffiti incidents in the region are described as tagging, as opposed to gang-related.

The report provides a breakdown of graffiti incidents and removal costs by jurisdiction.

First implemented by the City of Escondido in 2006, Graffiti Tracker has grown to become a regionwide program over the past year. The participating agencies are: Carlsbad, Chula Vista, Coronado, El Cajon, Escondido, La Mesa, Metropolitan Transit System (MTS), National City, North County Transit District (NCTD), Oceanside, Port of San Diego, San Diego, and the Sheriff's Department.

Survey feedback revealed that 94 percent of the system's users would recommend continued use of the tool by their jurisdiction.

The pilot expansion of Graffiti Tracker is set to end June 30 after an 18-month trial period, but the County of San Diego is working to extend the program for another year. County Supervisor Greg Cox has been working with SANDAG to maintain the program on a regional basis.

Here is how Graffiti Tracker works: Participating agencies are equipped with GPS-enabled cameras to take photographs of graffiti in their jurisdictions. The images are then uploaded into a centralized database to enable sharing of intelligence. Investigators can use Graffiti Tracker to generate reports that include statistics and information about group monikers, location and size of incidents, trends or paths of damage, migration of vandals, and arrest information.

According to law enforcement officials, systems such as Graffiti Tracker can enhance their ability to identify taggers and gather evidence for prosecution of multiple acts of vandalism, as well as provide expert analysis and intelligence toward identifying gang members and coded messaging about other illegal street activities.

Led by the County of San Diego and coordinated with the help of SANDAG, Graffiti Tracker is funded by participating agencies, as well as private donors, including AT&T, SDG&E, and Cox Cable.

## Project Manager(s)

Dr. Cynthia Burke, Director, Criminal Justice Research Division  
 Phone: (619) 699-1910, E-mail: cindy.burke@sandag.org

For media inquiries, please contact David Hicks at (619) 699-6939 or david.hicks@sandag.org.

# San Diego County News Center

## County Wins Golden Watchdog for Leading Graffiti Fight

*We profiled the Graffiti Tracker program in this video from 2010.*

May 10, 2013 | 10:46am

The San Diego County Taxpayers Association honored the County Thursday night with their highest award, a Grand Golden Watchdog, for a regional program that helps authorities catch, prosecute and recover costs from prolific graffiti vandals who damage property and degrade our quality of life.

"Graffiti vandals are no longer getting away with defacing neighborhoods and sticking taxpayers with cleanup costs," said Chairman Cox, who accepted the association's highest award for the County Thursday night. "We've found a smart, efficient way to tackle a problem that affects every San Diegan."

The Taxpayer Association called the San Diego County Multi-Discipline Graffiti Abatement Program "groundbreaking" and recognized the County for its success in capturing restitution from graffiti vandals.

It was the second year in a row the County won the association's Grand Golden Watchdog. Last year, the County was awarded the highest honor for its Capital Improvement Program, which saved taxpayers nearly \$1.5 billion in interest by paying cash for millions of square feet of new infrastructure project

The San Diego County Multi-Discipline Graffiti Abatement Program uses software called Graffiti Tracker to document acts of graffiti and link them to the responsible taggers, even if they cross jurisdictional boundaries. County Supervisor Greg Cox spearheaded the regional program that began in January 2011 after seeing how effectively the County's Sheriff's Department, two North County cities and District Attorney's Office had used Graffiti Tracker to hold taggers accountable.

These days, participants include 13 public agencies representing the region's unincorporated

areas, mass transit systems and 18 cities as a member of SANDAG's Public Safety Committee, Supervisor Cox led the effort to bring every jurisdiction in the region into the Graffiti Tracker program. To facilitate the project, the County of San Diego executed an amendment to its contract with Graffiti Tracker that added the 10 additional jurisdictions.

The relatively low-cost program—\$346,800 for the region in its first 18 months—has the potential to deter millions of dollars in vandalism as taggers learn they will be caught, prosecuted and billed for the destruction they wreak on communities. Graffiti vandalism is indeed costly. In 2011, the region spent an estimated \$16 million of public money to clean up 618,851 square feet of graffiti, according to a SANDAG analysis.

The potential to reduce the cost to taxpayers and hold the vandals themselves accountable—all for a relatively modest upfront cost to agencies—clearly appealed to the Taxpayer's Association.

"In the program's first year, restitution for graffiti cases rose from \$170,626 in 2010 to \$783,412 in 2011, more than enough to cover the \$346,800 cost to operate the software," the association noted.

Graffiti Tracker is a commercial, Web-based program. Members of law enforcement or public works take pictures of graffiti with a GPS-enabled camera, and the photographs are uploaded to a database. Graffiti Tracker decodes the photographed "tags"—usually a vandal's initials or nickname—and organizes them in a database. The location of identical tags can then be displayed on a map or a list, revealing patterns in place, time and frequency. Law enforcement can view a list of the top taggers in a city or region, look at the patterns of when and where the tagging occurred and use traditional investigative techniques to develop a suspect.

Or, when a tagger is caught in the act, a search of the database and the photos reveals similar marks helping police and prosecutors link a person or a group to widespread damage.

Just recently, the program showed its worth again. On April 30, 18-year-old Ramona Elena Montes was caught in the act by Vista deputies on "vandalism patrol" who then used Graffiti Tracker to link her to some 300 acts of graffiti. The arrest and further investigation led deputies to arrest a second member of Montes' tagging crew, a 20-year-old suspected of 523 graffiti incidents that cost the city more than \$154,000 in cleanup costs.

Undersheriff Ed Prendergast headed the Sheriff Department's effort to adopt the technology in 2009.

Prendergast has said he's confident the region wide use of Graffiti Tracker will stop and deter taggers throughout the San Diego County.

"Graffiti vandals do not respect jurisdictional boundaries. Graffiti Tracker, in conjunction with a county-wide graffiti protocol, helps ensure that graffiti vandalism will be documented, investigated and prosecuted in a consistent manner," Prendergast has said.

Or, he said, in short: "If you spray, you will pay!"

The County was one of three finalists in the Grand Golden Watchdog award category. There were nine overall awards distributed, including two Golden Watchdog awards.

The Golden Watchdog awards "recognize and honor smart, sensible practices and taxpayer-funded program," said the association. On the flip side, other categories recognized government programs and services that the association deems "wasteful, inefficient or downright absurd use of taxpayer dollars"

The Taxpayers Association recognized the County with this year's highest honor at its 18<sup>th</sup> Annual Golden Awards Dinner at the San Diego Marriott Marquis & Marina.

**BOARD of SUPERVISORS**



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## **M E M O R A N D U M**

**TO:** Sheriff Ross Mirkarimi, Sheriff's Department  
Chief Greg Suhr, Police Department  
George Gascon, District Attorney  
Mohammed Nuru, Director, Department of Public Works  
Ed Reiskin, Executive Director, Municipal Transportation Agency  
Phil Ginsburg, General Manager, Recreation and Park Department  
Harlan Kelly, Jr., General Manager, Public Utilities Commission  
Jimmer Cassiol, Graffiti Advisory Board

**FROM:** Alisa Miller, Clerk, Government Audit and Oversight Committee  
Board of Supervisors

**DATE:** March 27, 2014

**SUBJECT:** LEGISLATION INTRODUCED

---

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Breed, on March 18, 2014, which is being forwarded to your department for informational purposes.

**File No. 140261**

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; 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; and making uncoded findings.

If you have any reports or comments to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: David Pfeifer, District Attorney's Office  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Frank Lee, Department of Public Works  
Sarah Ballard, Recreation and Park Department  
Juliet Ellis, Public Utilities Commission  
Christine Fountain, Police Department  
Katherine Gorwood, Sheriff's Department

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee or as Special Order at Board.
- ☐ 4. Request for letter beginning "Supervisor [ ] inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Breed, Farrell, ~~Wang~~ Wiener, Tang

**Subject:**

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

**The text is listed below or attached:**

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 (MUNI) vehicles; amending the Public Works Code to extend the administrative process and potential administrative remedies to graffiti offenses committed on public property; 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; and making uncodified findings.

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only:

140261