

Ellinger
Myers
James
Blues
DeCamp
Beard
Crosbie
McChord
Blevins
Henson
Lane

SERVICES COMMITTEE

February 5, 2008

1:00 P.M.

A G E N D A

1. **Graffiti** - Moloney (1-13)
2. **Zandale Storm Drainage Ditch** - Beard (14-17)
3. **Items in Committee** (18-20)

"Services Committee, to which should be referred matters relating to public safety, public works, urban county courts, and constitutional officers."

Council Rules & Procedures, Section 2.102(3)

Graffiti Ordinance (Log No. 07-CC1532)

Ofc. Keith D. Gaines

10-24-07

1

Graffiti ordinance recommendations

There are many cities within the U.S. that have developed specific ordinances relating to graffiti. These ordinances provide a clear definition of what graffiti is, outline possession of graffiti instruments or tools, and explain prevention, prosecution, and removal. These ordinances are in addition to any other state laws that may exist in relation to criminal mischief with property and items related to code enforcement issues. Fayette County has no specific ordinance related to graffiti.

Most other cities who have successful anti-graffiti programs have comprehensive ordinances that address specific issues related to the nuisance of graffiti, including education, removal, and related illegal activities (such as possession of graffiti implements), restricted sales and warning signs.

After extensive research into other cities current ordinances, graffiti trends, statistics, and current court challenges to graffiti laws and ordinances, it would be my recommendation that Lexington address the issue of graffiti in three steps:

The first step in addressing the problem is to write an ordinance that clearly defines and prohibits graffiti, as well as the possession of graffiti instruments and/or tools, sales and required signage. This will provide “teeth” for one of the most effective tools in combating graffiti – prevention – the ability to identify perpetrators in the act of graffiti and stop them, or those in possession of graffiti implements within defined prohibited areas such as private property without the owner’s consent, city-owned property, bridge overpasses/underpasses, culverts, bridge embankments, etc.

Warning signs placed inside stores serve to educate customers on the law and to warn graffiti vandals, particularly juveniles, of the penalties for graffiti crimes. These warning signs also serve to deter minors illegally acquiring spray paint and wide-tipped markers. The signs give fair warning to those who might steal or illegally purchase potential graffiti tools.

Suggested signage to be placed in direct view:

“IT IS A VIOLATION OF THE LAW TO sell, exchange, give, loan, cause or permit to be sold, exchanged, given, or loaned, the following items: Spray Paint Container(s), Broad Tipped Marker(s), Paint Stick(s), Etching Acid (Hydrofluoric acid) or Acid Etching Materials to a minor unless such minor is accompanied by a responsible adult, and the implements/tools are to be used for a lawful purpose.”

The second step is addressing the removal of graffiti. Immediate removal - within 24-48 hours - is also key to successful graffiti prevention. Other cities have addressed the issue of graffiti removal by implementing a removal program run by the city. For example, if graffiti is identified on private property, owners are given notice that either (1) they are responsible for removing it within a specified timeframe, or (2) the city will remove it at no cost if they sign a waiver of liability.

At this time, Fayette County lacks an effective, comprehensive or cohesive graffiti removal program because of the disparate agencies that are involved and only responsible for small pieces of a systemic problem. This leads to a delay in removal of graffiti.

At some point in the future, Lexington's ordinance may need to be modified to include steps for an abatement program. At this time, I don't recommend that abatement language be included because the city doesn't currently have a comprehensive removal program and it will take time to develop a thorough and effective one.

The third step is the development and implementation of a graffiti education program to school aged children, as well as educating the public and empowering them to work within their own neighborhoods.

DRAFT ORDINANCE LANGUAGE RECOMMENDATIONS:

DEFINITIONS:

GRAFFITI: Any writing, word, symbol, figure, design or other inscribed material written, sprayed, painted or otherwise applied to any surface of a building, wall, fence, tree, sidewalk, curb or other permanently fixed object without the authority or consent of the property owner or by an authorized agent for such owner.

GRAFFITI IMPLEMENTS/TOOLS: Include:

- A. Broad Tipped Marker: Any felt tip indelible or permanent marker and/or marking pen and/or any similar implement which contains any pigmented substance including, but not limited to, ink or any other substance which cannot be easily and completely removed with water after said substance has dried; with a flat or angled writing surface that, at its broadest width, is greater than one-fourth inch (1/4") or marker nibs or tips..
- B. Etching Equipment:
 - Any
 - a. tool or device, including, but not limited to, those commonly known as "glass etchers," "glass cutters," "metal etchers," "cutting instrument," and/or "drill bits;"
 - b. substance, such as etching acid (hydrofluoric acid), acid etching materials, liquid, cream, paste, or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change, or impair the physical integrity of glass, metal, plastic, concrete or any other surface; or
 - any other instrument that can be applied by pressure or any other contact with any surface including, but not limited to, glass, metal, plastic, concrete or any other surface;
 - which can cause any markings commonly known as graffiti or related

vandalism (as defined above in this section).

- C. Paint Stick: Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth inch (1/4") in width.
- D. Spray Paint Container: Any canister, can, bottle, container, or other receptacle which contains any substance commonly known as paint, stain, dye and/or any other pigmented substance which is and/or can be modified to contain pressure (or be pressurized) in order to impel, spray, eject and/or propel any such substance or other substances capable of defacing property.
- E. Spray paint nozzle. A nozzle designed to deliver a spray of paint of particular width or flow from a can of spray paint.
- F. Other: Any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

DEFACEMENT PROHIBITED:

It is unlawful for any person to apply graffiti to any natural or manmade surface on any City owned property or on any non-City owned property without the authority or consent of the property owner or by an authorized agent for such owner. Each act of applying graffiti shall constitute a separate offense.

A person who creates graffiti and commits an act of criminal mischief as set forth in the Kentucky Penal Code, KRS Chapter 512, may be arrested and/or cited for such unlawful activities in addition to the violations set forth herein.

PROHIBITION:

It is unlawful for any unauthorized person to possess any graffiti implement, paraphernalia or spray actuator while in, on, at or about any public property, including, but not limited to, public parks, playgrounds, swimming pools, recreation facilities, schools, school district facilities, libraries, court houses, utility stations, storm drains or any other publicly owned, operated and/or maintained facility, or on private property without the express consent of the legal owner.

For purposes of this section, any possession such items on either public property, or private property without the express consent of the legal owner, shall be prima facie evidence of intent.

It is an exception to a charge under this section that the person possessing the graffiti materials specified was:

1. At the person's place of employment and possessed the materials or devices within the scope of that employment,
2. Upon property with express permission from the owner, manager, or other person

having lawful control of the property to possess the materials upon the property,

3. Attending a school, or traveling between a lawful location and a school, at which the person is enrolled if the person is participating in a class at the school that formally requires the possession of the materials, or

4. Transporting the materials between lawful locations while going about one's business or activity while so transporting. Transporting shall not include loitering or aimlessly driving, riding, or walking about on any street, avenue, highway, road, parking lot, alley, vacant lot, park, playground, yard, sidewalk or other location, whether public or private.

SALE AND TRANSFER OF GRAFFITI IMPLEMENTS:

No person shall sell, exchange, give, loan, cause or permit to be sold, exchanged, given, or loaned, the following items as defined above: Spray Paint Container, Broad Tipped Marker, Paint Stick, Etching Acid (Hydrofluoric acid) or acid etching materials - liquid, cream, paste, or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change, or impair the physical integrity of glass or metal to a minor unless such minor is accompanied by a responsible adult, and the implements/tools are to be used for a lawful purpose.

REQUIRED SIGNAGE

Any person who offers for sale or transfer any graffiti implements shall display around or about the area where graffiti implements are offered for sale or transfer to the public a sign with the following statement:

"It is unlawful to sell any aerosol spray paint or broad-tipped marker, marker nibs or tips, or acid etching materials to any person under the age of 18. Persons under the age of 18 who possess any graffiti implements may be prosecuted for a crime."

PENALTIES:

Any person in violation shall be deemed to have committed a misdemeanor, and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and court cost or imprisoned for not more than thirty (30) days, or both so fined and imprisoned.

Restitution required for graffiti removal cost and damages.

\$50.00 from each offence a person is fined, would go into an account held and administered by the LFUCG Parks Department and specifically designated for the removal of or rewards for Graffiti.

Graffiti Ordinance (Log No. 07-CC1532)

Supporting documentation

Ofc. Keith D. Gaines

10-24-07

I. BACKGROUND:

Graffiti is the unofficial application of graphics on publicly viewable surfaces. It is defined as being “a drawing or writing scratched on a wall or other surface.” When done without the property owner's consent, graffiti is a form of vandalism. Graffiti is the most common type of property vandalism (35%), according to the Bureau of Justice Statistics.

There are four general types of graffiti: tagger, gang, hate and generic. There are many implements and methods that can be used to produce graffiti, including spray paint, acid etchings, glass cutting, markers, paint sticks, gum labels, stamps, etc. Some of the most difficult types of graffiti to deal with are acid etchings, because surface restoration can be expensive, and tagger graffiti, because of its prevalence. Although the motivation of graffiti vandals can be somewhat confusing, the most commonly cited motivations are notoriety, self-expression, thrill, and rebellion.

Although the cost of graffiti vandalism in the U.S. has yet to be definitively documented, for many communities, private property owners, and public agencies, the cost is rising each year: an estimated \$12 **billion** a year is spent cleaning up graffiti in the United States, according to the U.S. Dept of Justice. Graffiti cleanup is taking a big chunk out of municipal budgets. The city of San Jose spends about \$3 million a year fighting graffiti; Minneapolis, MN about \$4 million; and \$2 million in Portland, OR.

There are many cities within the U.S. that have developed specific ordinances relating to graffiti. These ordinances provide a clear definition of what graffiti is, outline possession of graffiti instruments or tools, and explain prevention, prosecution, and removal. These ordinances are in addition to any other state laws that may exist in relation to criminal mischief with property and items related to code enforcement issues. Fayette County has no specific ordinance related to graffiti.

Currently if graffiti is found in Lexington city parks, the Parks Department is responsible for removing it. Throughout the rest of the city, if graffiti is found on private property, removal is the obligation of the property owner (enforced by Code Enforcement), although the Sheriff's Department operates a program to assist in removing graffiti. If graffiti is found on street signs or other utilities, the removal is up to Traffic Engineering.

Most other cities who have successful anti-graffiti programs have comprehensive ordinances that address specific issues related to the nuisance of graffiti, including education, removal, and related illegal activities (such as possession of graffiti implements). At this time, Fayette County lacks an effective, comprehensive or cohesive graffiti removal program because of the disparate agencies that are involved and only

responsible for small pieces of a systemic problem. This leads to a delay in removal of graffiti.

Although some people may think that the graffiti problem is being mostly perpetuated by juveniles under 18, a large percentage of graffiti vandals are adults, such as gang members and “taggers.” According to the National Council to Prevent Delinquency (NCPD), about 80% of graffiti is “tag” graffiti. Taggers gain recognition and status from their peers by placing distinctive “tags” or graffiti monikers in as many places as possible in the most high-risk places. The intent is for other graffiti writers to see the graffiti.

There has recently been an increase in gang-influenced graffiti in Lexington/Fayette County. Nationally, gang graffiti makes up about 10% of all graffiti. Gang graffiti is dangerous, as it is how gangs identify turf. This type of graffiti may spell out a gang name, their geographic area, or a numeric identifier. It can sometimes show an entire list of gang nicknames called a “roll call” or “roster.” Gang graffiti serves several purposes, all of which is understood by other gangbangers, even members of rival sects. Graffiti has been called the newspaper or bulletin boards for gangs, and communicates many messages, including violent challenges, warnings, and pronouncements of deeds accomplished or about to occur.

Our problem needs to be addressed in steps. The first step in addressing the problem is to write an ordinance that clearly defines and prohibits graffiti, as well as the possession of graffiti instruments and/or tools. This will provide “teeth” for one of the most effective tools in combating graffiti: prevention – the ability to identify perpetrators in the act of graffiti and stop them, or those in possession of graffiti implements within defined prohibited areas such as private property without the owner’s consent, city-owned property, bridge overpasses/underpasses, culverts, bridge embankments, etc.

The second step will be addressing the removal of graffiti. Other cities have addressed the issue of graffiti removal by implementing a removal program run by the city. For example, if graffiti is identified on private property, owners are given notice that either (1) they are responsible for removing it within a specified timeframe, or (2) the city will remove it at no cost if they sign a waiver of liability.

At some point in the future, Lexington’s ordinance may need to be modified to include steps for an abatement program. At this time, I don’t recommend that abatement language be included because the city doesn’t currently have a removal program and it will take time to develop a comprehensive and effective one.

II. EXAMPLES FROM OTHER CITIES:

LOUISVILLE, KENTUCKY

TITLE XIII: General Offenses

CHAPTER 131: Offenses Against Property

131.10 Definitions

131.11 Sale of items commonly used for graffiti

131.12 Illegal activities

131.13 Enforcement

131.14 Abatement

131.15 Penalties

131.16 Appeals

131.98 Severability

§ 131.10 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BROAD-TIPPED INDELIBLE MARKER. Any felt-tip marker or similar implement containing a fluid that is not water-soluble and which has a flat or angled writing surface one-fourth inch or greater.

ETCHING ACID. Any liquid, cream, paste, or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change, or impair the physical integrity of glass or metal.

GRAFFITI. Drawings, inscriptions, or markings, of whatever kind, character, or description, made using aerosol spray paint, etching acid or other etching materials, or broad-tipped indelible markers on a wall or other surface, so as to be seen by the public, placed there by a person other than the lawful owner or occupant of the property, without consent or acceptance of said owner or occupant.

(Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.11 SALE OF ITEMS COMMONLY USED FOR GRAFFITI.

Any person selling, or offering to sell aerosol spray paint, broad-tipped indelible markers, or etching acid or other etching materials must keep such items in a place that restricts public access within the retail establishment.

(Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.12 ILLEGAL ACTIVITIES.

(A) (1) Unlawful conduct or activities by individuals shall encompass the following: No person may possess an aerosol spray paint container, broad-tipped indelible markers, or etching acid or etching materials with the intent to deface, destroy, or damage any property.

(2) For purposes of this section, any possession of such items on either public property, or private property without the express consent of the legal owner, shall be prima facie evidence of intent.

(B) Unlawful activity with regard to property shall encompass the following:

(1) All sidewalks, walls, buildings, fences, signs and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street, or from other public or private property.

(2) Abatement or removal of graffiti by the property owner, or responsible party (or signature on waiver form as set forth herein) must occur within seven calendar days of issuance of any notice of violation, citation, or order.

(C) A person who creates graffiti and commits an act of criminal mischief as set forth in the Kentucky Penal Code, KRS Chapter 512, may be arrested and/or cited for such unlawful activities in addition to the violations set forth herein.

(Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.13 ENFORCEMENT.

(A) (1) The provisions of §§ 131.11 and 131.12(A) shall be enforced by any law enforcement officer.

(2) The provisions of § 131.12(B) shall be enforced by the Louisville Metro Code Enforcement Division, in accordance with all laws, regulations and ordinances pertaining to public nuisance and/or property maintenance, and shall be considered a civil offense, punishable as set forth in § 131.14.

(B) A notice of violation, citation, or order shall be issued to the owner of private property and shall include the following:

(1) Identification/location of the property.

(2) Location of the graffiti.

(3) A general description of the graffiti.

(Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.14 ABATEMENT.

(A) (1) Within seven calendar days of issuance of any notice of violation, citation, or order, the property owner or responsible party must:

(a) Abate the graffiti according to Metro Government's policies and procedures using materials furnished by Metro Government; or

(b) Sign a waiver form that will allow Metro Government to proceed to abate the graffiti with the cost of abatement done on the part of Metro Government being borne by the owner/responsible party.

(2) If a waiver form is not signed within the seven-day period, Metro Government may proceed with the abatement according to its policies and procedures for such abatement, and bill the owner or responsible party for the costs thereof. In any event, Metro Government shall bill the owner or responsible party for the costs of any work done on the part of Metro Government on such owner or responsible party's property to abate graffiti. In the event the bill is not paid for work done by the Metro Government to abate graffiti within 90 days of its issuance, a statement of the account shall be certified, and Metro Government may proceed with judicial action to collect the fine, along with interest at the rate established by law.

(3) By appropriate order of the Louisville Metro Code Enforcement Board, Metro Government, or its authorized contractor, is expressly authorized to enter private property and abate graffiti thereon, in accordance with this section. Louisville Metro Police Department may assist in the enforcement of this subchapter.

(4) If Metro Government performs the abatement, either upon receipt of waiver form, or by means of seven-day elapse of time without other abatement, the property owner or responsible party is put on notice that abatement shall occur by standard means, which may or may not meet with the subjective standards of said property owner or responsible party. Metro Government shall not be liable for any damage to the property, or decline in its value by reason of the abatement performed.

(Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.15 PENALTIES.

(A) Any person violating § 131.12(A) shall be deemed to have committed a misdemeanor, and shall be subject to a fine not to exceed \$500 for each offense.

(B) A violation of § 131.11 shall be classified as a civil offense and shall be enforced through the Code Enforcement Board ("Board") as provided in §§ 32.275 through 32.290, or as it may be amended.

(C) Any person violating § 131.11 shall be fined a minimum civil penalty of \$250 or a maximum civil penalty of \$500. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(D) Any person cited in accordance with subsection (C), directly above, may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 through 32.290. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. □ (Lou. Metro Ord. No. 26-2005, approved 3-1-2005)

§ 131.16 APPEALS.

(A) Appeals of civil penalties may be made by filing a written notice of appeal with the Board, as provided in §§ 32.275 through 32.290, or as such sections may be amended.

(B) Appeals of criminal citations may be made to a court of competent jurisdiction.

OKLAHOMA CITY, OKLAHOMA

Chapter 35: Nuisances

Article V: Graffiti

§ 35-141. Short title.

§ 35-142. Legislative findings.

§ 35-143. Purpose and intent.

§ 35-144. Definitions.

§ 35-145. Declaration of public nuisance.

§ 35-146. Application of graffiti prohibited; offense; penalty.

§ 35-147. Allowing graffiti to remain on private property.

§ 35-148. Removal of graffiti from private property.

ARTICLE V. GRAFFITI*

***Cross references:** Maintenance of bus benches, § 50-330.

§ 35-141. Short title.

This article shall be known and may be cited as the Oklahoma City Graffiti Eradication Ordinance.

(Code 1980, § 35-79; Ord. No. 19862, § 1, 12-8-92)

§ 35-142. Legislative findings.

The Council of the City hereby makes the following findings:

- (1) that unsightly graffiti on public and private property within the City is detrimental to the beauty of our community;
- (2) that graffiti on public and private property within the City is often related to criminal street gang activity, with graffiti being used to convey information to gang members and mark gang territory;
- (3) that gang-related graffiti often provides a catalyst for gang-related criminal violence within the City;
- (4) that gang-related graffiti constitutes a growing blight on and a substantial detriment to the health and safety of the residents of our community; and
- (5) that by reason of the foregoing findings, graffiti constitutes a public nuisance to our community.

(Code 1980, § 35-81; Ord. No. 19862, § 1, 12-8-92)

State law references: Authority to define, prevent, remove and abate nuisances, 11 O.S. § 22-121.

§ 35-143. Purpose and intent.

The purpose of this article is to provide for the prevention and removal of graffiti within the City. The intent of the Council is to prevent and remove a public nuisance that is a growing blight on and a substantial detriment to the health, safety and general welfare of our community and its inhabitants.

(Code 1980, § 35-82; Ord. No. 19862, § 1, 12-8-92)

§ 35-144. Definitions.

For the purpose of this article, the following words, terms and phrases shall have the meanings indicated:

- (1) *Advertising* means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or occupant of the property, or an agent of such owner or occupant, for the purpose of promoting products or services or conveying information to the public.
 - (2) *Applies graffiti, apply graffiti or applying graffiti* means the act of drawing, painting, chiseling, scratching or etching graffiti on public or private property within the City.
 - (3) *Director* means the Director of the Public Works Department, or his designee.
 - (4) *Graffiti* means, without limitation, any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is drawn, painted, chiseled, scratched or etched on a rock, tree, wall, bridge, fence, gate, building or other structure; provided, however, that this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, an occupant of the property, or by an authorized agent for such owner or occupant.
 - (5) *Occupant* means any person shown by the records of the county clerk's office as a tenant of property, or any person in actual physical possession of property.
 - (6) *Owner* means any person shown by the records of the county clerk's office as the owner of a fee simple interest in property.
 - (7) *Removal, remove, or removed*, when used in relation to the eradication of graffiti, means the act of taking graffiti off of or masking the presence of graffiti on, a rock, tree, wall, bridge, fence, gate, building or other structure.
- (Code 1980, § 35-83; Ord. No. 19862, § 1, 12-8-92)

Cross references: Definitions and rules of construction generally, § 1-2.

§ 35-145. Declaration of public nuisance.

The Council hereby declares that graffiti on public or private property within the City constitutes a public nuisance to the detriment of the City and its inhabitants and visitors. The provisions for prevention and removal of such public nuisance are set forth in Sections 35-146 and 35-147 of this article.

(Code 1980, § 35-84; Ord. No. 19862, § 1, 12-8-92)

§ 35-146. Application of graffiti prohibited; offense; penalty.

- (a) No person shall apply graffiti to public or private property within the City.
 - (b) Any person who applies graffiti to public or private property within the City shall be deemed guilty of a Class "b" offense. Each act of applying graffiti shall constitute a separate offense.
 - (c) Any person convicted of the offense of applying graffiti to public or private property within the City shall be punished by a fine not to exceed \$750.00, excluding costs, or imprisonment not to exceed six months in the City jail or both such fine and imprisonment.
 - (d) The provisions of this section shall be enforced by the Police Department.
- (Code 1980, § 35-85; Ord. No. 19862, § 1, 12-8-92; Ord. No. 20462, § 1, 10-24-95)

State law references: Penalty for ordinance violations, 11 O.S. § 14-111.

§ 35-147. Allowing graffiti to remain on private property.

- (a) No person shall allow graffiti to remain on private property within the City longer than 20 days after receiving a notice to remove graffiti.
 - (b) Graffiti allowed to remain on private property within the City longer than 20 days from the date of the notice to remove graffiti, shall be subject to removal by the City.
- (Ord. No. 21075, § 1, 6-30-98)

§ 35-148. Removal of graffiti from private property.

The director may cause graffiti to be removed from private property located within the City in accordance with the following procedure:

- (a) *Removal of graffiti with or without consent of owner; procedure.*
 - (1) The property owner, tenant and/or occupant, if any, may give their written consent to the City authorizing removal of the graffiti. By giving such written consent, the owner and the tenant and/or occupant each waive the right to notice and a hearing as otherwise required by this section;
 - (2) If the consent of the property owner, tenant and/or occupant, if any, to remove graffiti from the property cannot be obtained, the director may remove the graffiti without such consent pursuant to the procedures set forth in this section;
 - (3) To remove graffiti from property without the consent of the property owner, tenant and/or occupant, if any, at least ten days' notice shall be given by mail directed to the address shown by the current year's tax rolls in the county treasurer's office. Notice to the tenant and/or occupant, if any, shall be given by mail directed to the property address. The notice shall order the property owner, tenant and/or occupant, if any, to remove graffiti from the property and shall further state that unless such work is performed within 20 days of the date of the notice the work shall be done by the City. At the time of mailing of notice to the property owner, tenant and/or occupant, if any, the Director shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer(s). In addition, notice shall be given by posting a copy of the notice on the property at least one time not less than ten days prior to any hearing or action by the City. Any accumulations of graffiti on the property occurring within one year from and after the date of the notice may be summarily abated by the City without a hearing and further prior notice to the property owner, tenant and/or occupant, if any, except by posting of notices at least one time on the property not less than two business days prior to such summary abatement;
 - (4) A hearing may be held by the City Council to determine whether the accumulation of graffiti on the property has caused the property to become detrimental or a hazard to the health, safety, or general welfare of the public and the community; and
 - (5) Upon finding that the condition of the property constitutes a detriment or hazard, and that the property, the public, and the community would be benefitted by removal of such conditions, the director may enter onto the property for the removal of the graffiti thereon.
- (b) *Right of appeal of order to remove graffiti.* The property owner and the tenant, if any, shall have a right of appeal to the City Council from any order of the Director. Such appeal shall be taken by filing written notice of appeal with the City Clerk within ten business days after the administrative order is rendered.
- (c) *Summary abatement.* If a notice is given by the City to a property owner and tenant, if any, ordering graffiti to be removed from property within the City limits in accordance with the procedures provided for in Subsection (a) of this section, any subsequent accumulations of graffiti on the property occurring within a one-year period may be summarily abated without further prior notice to the property owner or the tenant, if any. However, prior to the summary abatement by the City, notice thereof shall be posted at

least one time on the property not less than two business days prior to such summary abatement. This subsection shall not apply if the records of the county clerk show that the ownership and/or tenancy of the property was transferred after notice was given pursuant to Subsection (a) of this section.

(d) *Cost of removal of graffiti.* Removal of graffiti by the City pursuant to the provisions of this section shall be performed at the sole expense of the City. In removing the graffiti, the City shall restore the property as nearly as possible to the condition as it existed immediately prior to the graffiti being placed on the property.

(Code 1980, § 35-86; Ord. No. 19862, § 1, 12-8-92; Ord. No. 20024, § 1, 8-31-93; Ord. No. 21075, § 1, 6-30-98)

§§ 35-149--35-170. Reserved.

LOS ANGELES, CALIFORNIA

Title 13 Public Peace, Morals, and Welfare

Chapter 13.12 Graffiti Prevention, Prohibition and Removal

13.12.010 Purpose and intent.

13.12.020 Definitions.

13.12.030 Unlawful to apply graffiti--Prohibition of defacement.

13.12.040 Possession of graffiti implements by minors prohibited.

13.12.050 Possession of graffiti implements prohibited in designated public places.

13.12.060 Limiting access to graffiti implements--Furnishing to minors prohibited.

13.12.070 Display for sale--Requirements.

13.12.080 Unlocking doors, gates or other facilities deemed misdemeanor.

13.12.090 Graffiti declared public nuisance.

13.12.100 Removal of graffiti by perpetrator.

13.12.110 Removal provisions.

13.12.120 Rewards for information.

13.12.130 Penalties and civil liability of parents.

13.12.140 Violations--Civil remedies available.

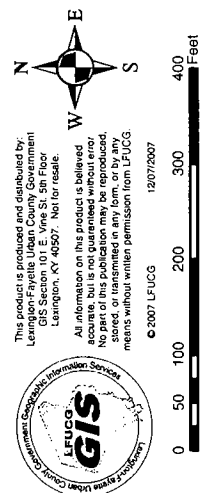
13.12.150 Severability.

13.12.010 Purpose and intent.

A. The purpose of this section is to help prevent the spread of graffiti and to establish a program for its removal from county-owned property and non-county owned property within the unincorporated area of the county.

B. California Government Code Section 53069.3 authorizes the county, under certain circumstances, to provide for the removal of graffiti and other inscribed materials from private as well as public property. The board of supervisors finds and determines that graffiti is obnoxious and a public nuisance and unless the county causes it to be removed from county-owned and non-county-owned property within the unincorporated area of the county, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the county.

C. It is the purpose of the board of supervisors of the county of Los Angeles, through the adoption of this chapter, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of graffiti on walls, natural objects and structures. Such acts are destructive of the rights and values of property owners as well as the entire community. (Ord. 93-0072 § 1 (part),

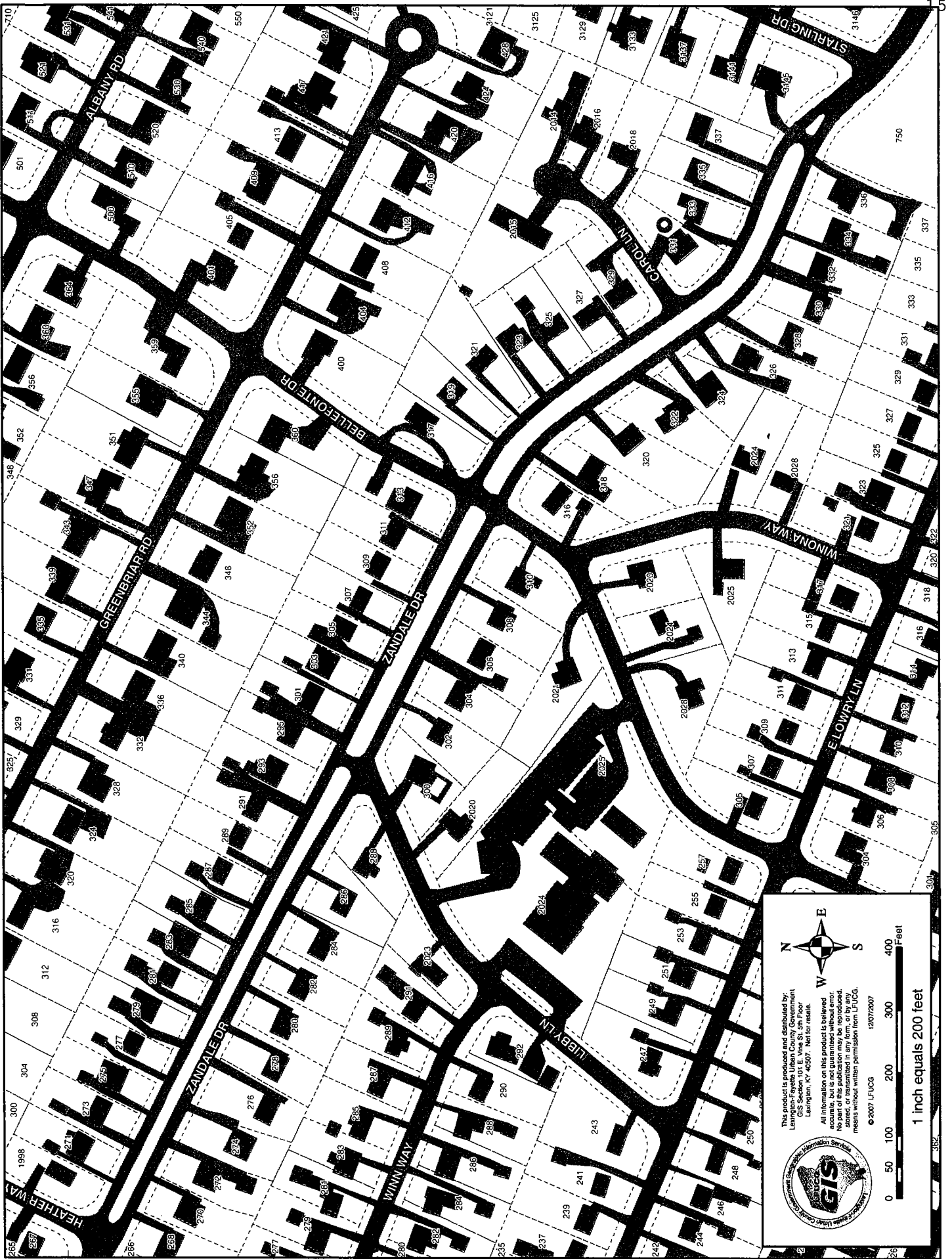


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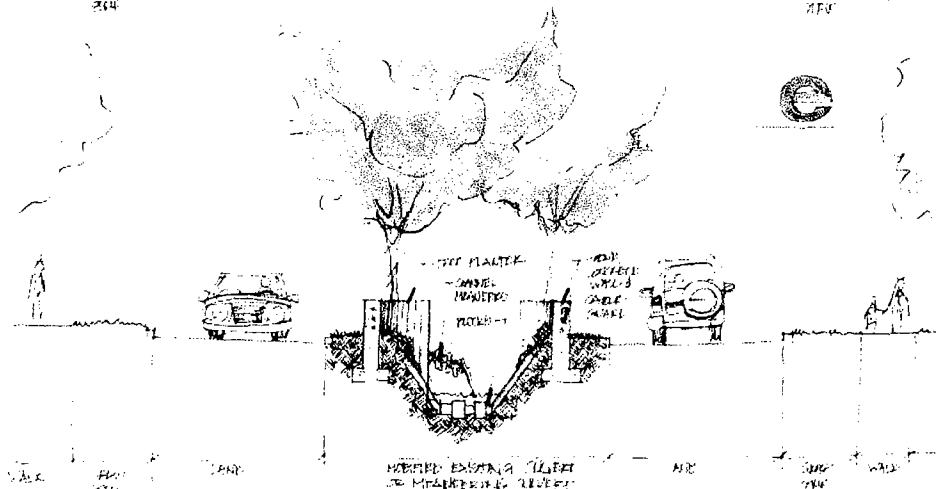
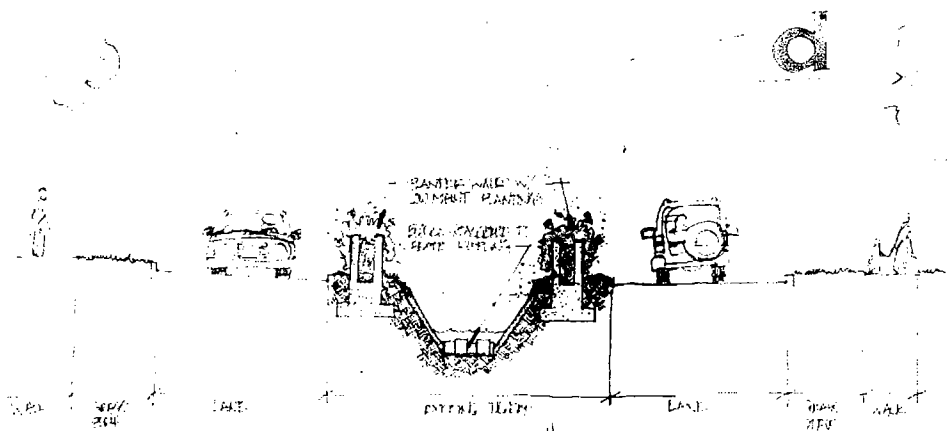
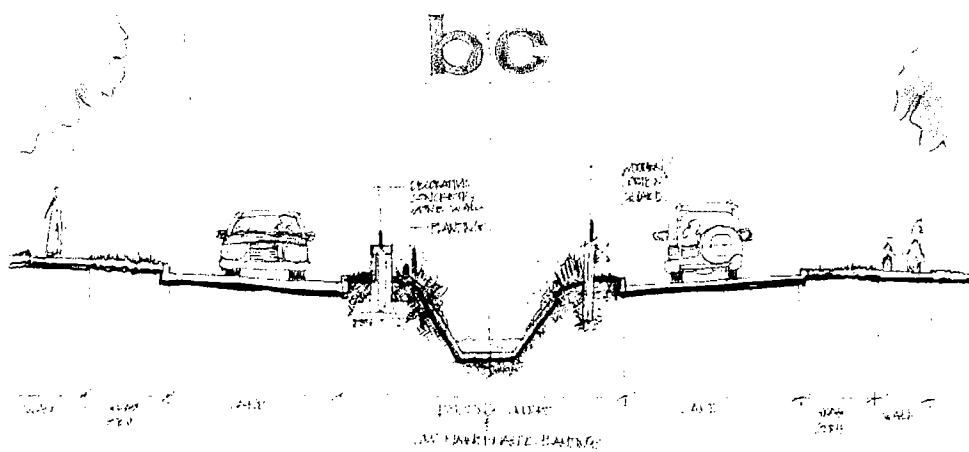
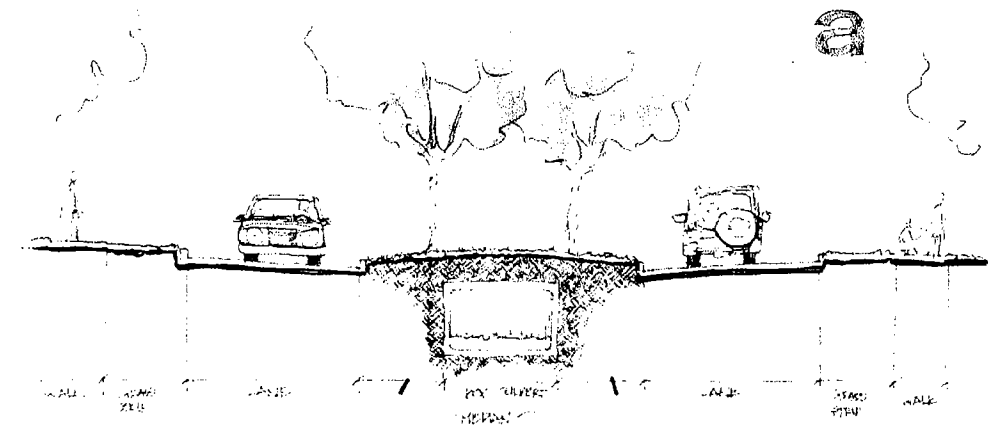
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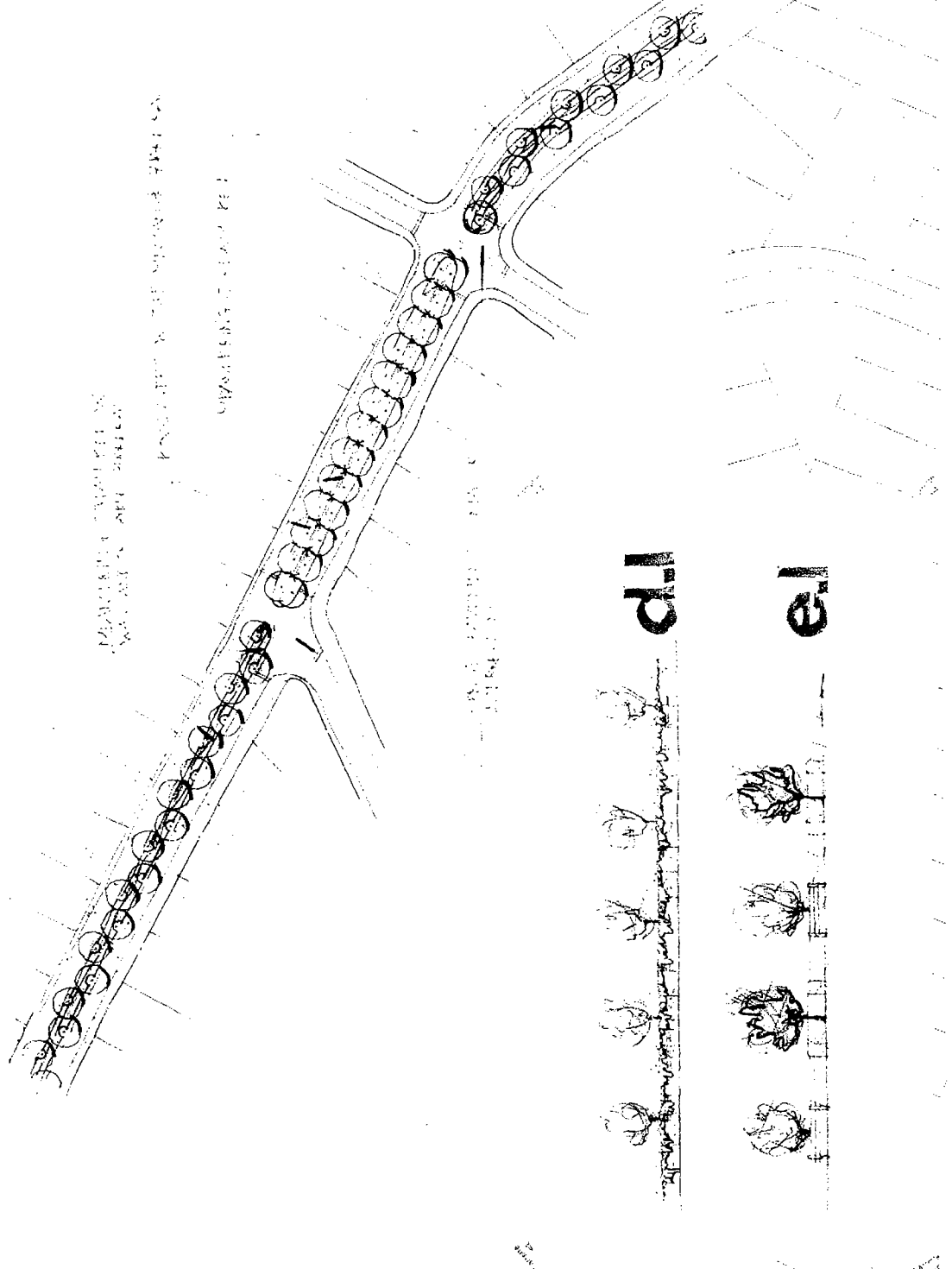
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1 inch equals 200 feet



Plan A



ZANDALE NEIGHBORHOOD

Services Committee Items

Revised 10.26.2007

<u>Date</u>	<u>Councilmember</u>	<u>Issue</u>
11-20-07	Stinnett	Immigration Report
11-20-07	Beard	Zandale Ditch
10-30-03	DeCamp	Combined Car Radio Noise, School Event Noise & Special Events Noise
10-23-07	Stevens	Speed Limit Reduction on Streets Adjacent to Christ the King Cathedral
9-18-07	Moloney	Vicious Dogs
9-18-07	Moloney	Block Party Process
9-18-07	Ellinger	Alcohol Impact on Local Government
9-11-07	Blevins	Noise Ord-Special Events*
8-14-07	Stevens	Par 3 Golf Course
7-10-07	Stevens	School Event Noise*
5-22-07	Moloney	Graffiti
5-15-07	DeCamp	News Rack Ordinance
3-13-07	Moloney	Dispatching Inter-City Buses from Terminals

Other Items (cont)		
Date	Councilmember	Issue
2-27-07	Stinnett	Door to Door Peddlers
1-16-07	Myers	Multi-Way Stop Armstrong Mill/Crosby
1-9-07	Stinnett	Multi-Way Stop Pleasure Ridge/Plaudit
11-14-06	McChord	Traffic Light at US 27/Waveland Museum Lane
11-14-06	Moloney	Imposing Fee for Signage in ROW
10-17-06	Moloney	Restrict Parking on Cambridge Drive from Oxford Circle to Village Drive
7-11-06	Moloney	Towing on Private Property
6-13-06	Stinnett	Car Radio Noise*
3-21-06	Moloney	Red Light Issues
2-14-06	Myers	US Ombudsman Association Standards for Citizen's Advocate Office
2-7-06	Gorton	Private Fire Hydrants
12-13-05	Gorton	Traffic Calming on Harvard Drive
12-13-05	Gorton	No Parking Signage on Belvoir between Malabu and crest of the hill

Other Items (cont)		
<u>Date</u>	<u>Councilmember</u>	<u>Issue</u>
6-21-05	Moloney	Private Swimming Pool Safety
3-12-05	Gorton	Curb Replacement Program
2-22-05	Moloney	Mini Motorcycles
* Combined noise related issues		