



CITY OF MENIFEE

SUBJECT: Abatement of Graffiti Ordinance Discussion

MEETING DATE: May 3, 2023

TO: Mayor and City Council

PREPARED BY: Terrence Wiggins, Code Enforcement Supervisor
Dave Gutierrez, Captain

REVIEWED BY: Chris Karrer, Chief of Police

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Receive and file an update on the Ordinance related to the abatement of graffiti, Chapter 11.40 of Title 11 of the Menifee Municipal Code.

DISCUSSION

Background

On April 20, 2022, The City Council requested a future agenda item to review the City's Graffiti Ordinance.

Currently, the City of Menifee has an Ordinance which addresses the removal of graffiti from private and public property, Chapter 11.40 of Title 11 of the Menifee Municipal Code. It addresses the removal of graffiti on or upon any public or private real or personal property within the city. Per the Ordinance, the graffiti must be removed or repaired. The owner, occupant or person otherwise in control of real property (whether tenant, occupant or otherwise) or of personal property (whether public or private) on which graffiti has been placed or applied shall remove such graffiti (or repair and replace the property from which graffiti cannot be removed) at his/her own expense within 72 hours of the discovery of the application of such graffiti.

In the event the graffiti is not removed within 72-hours, the city may utilize the procedures set out in § 11.020.140, which allows the city to abate the graffiti. All associated abatement costs may be recovered through a lien or special assessment on or against the property.

Staff currently use Graffiti Tracker software to track graffiti. It's a comprehensive, web-based system designed to help identify, track, prosecute, and seek restitution from graffiti vandals. This is used by personnel including Code Enforcement, POP Officers, SET Detectives, and Public

Works in the field once graffiti has been reported or discovered by city personnel. Community Services staff will soon be using the program for graffiti that occurs in city parks.

Graffiti abatement is a joint effort. Public Works, POP Officers, Code Enforcement Officers, and SET Detectives collaborate to efficiently abate graffiti on private and public properties throughout the city.

The current penalty for a violation of Chapter 11.40 is covered within 11.40.050 (Enforcement). A violation of the chapter may be enforced by any means legally available to the city, including but not limited to administrative citation.

There is currently no prohibition of possession of graffiti paraphernalia/implements. In staff's research the following prohibition is presented to City Council for discussion to include within Chapter 11.40 of Title 11:

Possession of graffiti implements, paraphernalia or spray actuator

- A. It is unlawful for any person under the age of 18 years to possess any graffiti implement, paraphernalia or spray actuator with the intent of applying graffiti markings or engaging in related vandalism.
Exceptions:
 - 1. Any minor enrolled in any education class which requires otherwise legal possession of any graffiti implement, paraphernalia or spray actuator provided the minor is carrying written verification of any such requirements including color(s), size(s), and quantity, and written consent from his or her parent or lawfully designated custodian - dated and signed.
 - 2. Any minor whose employment requires possession of any graffiti implement, paraphernalia or spray actuator provided minor is carrying written verification of any such job requirements including color(s), size(s), quantity, job information and purpose, and written consent from the employer - dated and signed.
- B. 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.

Graffiti can be reported to Code Enforcement in a few ways. Residents can call our non-emergency number, 951-677-4964, they can contact Code Enforcement directly by calling 951-246-6214 or emailing codeenforcement@cityofmenifee.us, or they can report the graffiti through the City of Menifee app. which can be download in the App Store for I-Phones or Google Play for Android Phones.

In an effort to assist residents who are victims of graffiti, and who may not be able to afford the necessary paint to abate the graffiti on their property, Code Enforcement established a contract with the local Sherman Williams paint store. Once a graffiti case is opened, a letter will be sent to the owner which allows them to receive a free gallon of paint for the abatement.

Upon researching our Records Management System, all graffiti on private property has been abated within 72 hours, or within the time frame of the notice that is sent by code enforcement. The city has not needed to perform a summary abatement on private property thus far.

During the review of Chapter 11.40 of the Menifee Municipal Code, staff discovered an error. Within §11.40.020(B) (GRAFFITI PROHIBITED; GRAFFITI AS PUBLIC NUISANCE) it currently reads, "When such graffiti is visible from a public right-of-way or from publicly owned property, such graffiti also is determined to be a public nuisance which requires immediate abatement to protect public health pursuant to § 11.20.040(C)." The referenced code should be, "§ 11.20.140(A)."

To correct the error, staff will bring back a recommended modification to Chapter 11.20 of Title 11 along with any other City Council desired modifications related to graffiti abatement.

STRATEGIC PLAN OBJECTIVE

Safe and Attractive Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Section 11.20.140: Emergency Action to Abate an Imminent Hazard