

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA
ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 9.80.010, AND ADDING SECTIONS 9.80.015, 9.80.040, AND 9.80.050 TO CHAPTER 9.80 OF THE MADERA COUNTY CODE, REGARDING GRAFFITI ABATEMENT AND LANDOWNERS' RESPONSIBILITY TO KEEP THEIR PROPERTY FREE OF GRAFFITI

SECTION 1

Section 9.80.010 of the Madera County Code is amended to read in its entirety as follows:

9.80.010 Graffiti abatement—Intent and purpose.

The board of supervisors of the county of Madera finds and declares that graffiti on public or private property creates a condition tending to reduce the value of such property, promotes blight and deterioration of surrounding property, and invites further vandalism; and it results in loss of pride in affected neighborhoods and loss of business to neighboring commercial enterprises. Although state law prohibits the sale of products used in graffiti to persons under the age of eighteen, graffiti continues to proliferate in the county due in part to the theft of aerosol paint products. Supplemental local deterrents to the availability for use of aerosol containers of paint are needed to further inhibit their use for graffiti purposes.

The board of supervisors further finds and declares that many landowners within the county of Madera do not take action to remove graffiti from their buildings and fences in situations where the perpetrators are not found, which results in further blight and deterioration of neighboring property and reduction of property value and invitation for additional vandalism.

Pursuant to section 53069.3 of the California Government Code, the intent of this chapter is to provide procedures for the control and abatement of graffiti from both public and private property in order to reduce blight and deterioration within the county of Madera.

SECTION 2

Section 9.80.015 is hereby added to the Madera County Code, to read in its entirety as follows:

9.85.015 Definitions.

As used in this article and chapter, the following terms have the meanings respectively ascribed to them:

- A. "County" shall refer to the County of Madera.
- B. "County abatement officer" means the County Code Enforcement Officer or his designees, or any other individual or body appointed by the Board of Supervisors to enforce codes and which is authorized to administer this chapter.
- C. "Graffiti" means the unauthorized writing, defacing, marring, marking, inscribing, scratching, painting, or affixing of markings on public or private buildings or structures, including, but not limited to, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, curbs, traffic control devices, signs, and utility boxes, except as otherwise expressly permitted by this code.

SECTION 3

Section 9.80.040 is hereby added to the Madera County Code, to read in its entirety as follows:

9.80.040 Failure to abate graffiti; violation as nuisance. No person owning or otherwise in control of any building or structure in the unincorporated area of the County of Madera shall allow or permit any graffiti to remain on that building or structure when that graffiti is visible from the street or other public or private property. A violation of this section shall constitute a public nuisance under Chapter 7.20 of this code and a continuing violation under Section 8.01.050(F) of this code.

SECTION 4

Section 9.80.050 is hereby added to the Madera County Code, to read in its entirety as follows:

9.85.050 Citation/notice to abate; abatement; methods and costs.

- A. When the County abatement officer determines that any property contains graffiti in violation of this section, the County abatement officer shall issue an administrative citation to be served on the property owner(s), as provided in Chapter 8.01 of this code, which shall notify the owner that the graffiti exists and must be immediately abated.
- B. Within thirty (30) days of receiving the citation, the property owner shall either abate the graffiti or sign and return a consent form authorizing the County abatement officer to enter the property and abate the graffiti at County expense, by cleaning, painting, or otherwise removing the graffiti. The consent form shall be prepared by the County and be served with the citation.
- C. The property owner may contest the citation as provided in Section 8.01.070 of this code. The property owner shall demonstrate by a preponderance of the evidence that he or she does not have the financial

ability to abate the graffiti, or that there was no graffiti on the property at the time the citation was issued.

- D. If the property owner consents to removal by the County as provided in subsection B of this section, the County abatement officer may enter the property and abate the graffiti.
- E. If the property defaced by graffiti is owned by a public agency other than the County, the graffiti may be removed by the County abatement officer only after obtaining consent from that public agency to enter and abate. The costs of abatement shall be divided equally between the County and the other agency.
- F. If the property is privately owned and the owner has failed or refused to appeal the citation, abate the graffiti, or consent to abatement by the County, or the owner's appeal of the citation has been denied and the time for further administrative appeal or hearing has expired, the County abatement officer may proceed with and complete public nuisance abatement of the graffiti, including the imposition of an assessment of the costs of abatement against the owner and placement of an abatement lien. The County abatement officer shall enter the property to abate the graffiti after providing five (5) calendar days' advance written notice to the owner by personal service or by certified first-class mail and posting on the property.
- G. To abate the graffiti, the County abatement officer may use County employees, employees of other public agencies that have contracted with the County, volunteers, or private contractors. The County abatement officer may also use work crews of wards of the court or persons sentenced to community service work programs, provided that the Chief Probation Officer or Director of Corrections has granted permission and that the work crews are under the direct supervision of the Probation Department or Department of Corrections.
- H. The scope of removal or painting over of graffiti is limited to such areas as are determined appropriate by the County abatement officer and not the repair or masking of a more extensive area.

SECTION 5

This ordinance shall take effect thirty (30) days after enactment.

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The foregoing Ordinance was adopted this ____ day of _____, 2007,
by the following vote:

Supervisor Bigelow voted: _____

Supervisor Moss voted: _____

Supervisor Dominici voted: _____

Supervisor Rodriguez voted: _____

Supervisor Wheeler voted: _____

Chairman, Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By _____