

**ORDINANCE NO. 733  
(AS AMENDED THROUGH 733.2)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 733, TO PREVENT  
GRAFFITI AND RELATED VANDALISM**

The Board of Supervisors of the County of Riverside, State of California, Ordains as Follows:

**Section 1. Purpose and Intent**

It is the purpose and intent of this Ordinance to prevent graffiti and to promote its eradication and to prevent related vandalism, as they adversely affect property (both public and private), including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, under/overpasses, bridges, trestles, buildings and/or any other structures or surfaces which contain graffiti or are subject to graffiti related vandalism. It is the further intent of this Ordinance to fight against blight, to preserve the value of property (both public and private) and to promote the security of the community, all of which are now being threatened by the spread of graffiti and graffiti related vandalism.

**Section 2. Definitions**

- A. Graffiti and Related Vandalism.** Any unauthorized inscription, word, figure, mark, symbol, design and/or configuration of letters and/or numbers written, drawn, scribed, etched, scratched, marked, painted, stained, stuck on or adhered to any real or personal property surface (public or private), including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, under/overpasses, bridges, trestles, buildings, and/or any other structures or surfaces, regardless of the nature of the material of which the surface is composed.
- B. Aerosol 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.
- C. Felt Tip Markers.** Any implement commonly known as an indelible or permanent ink 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 can not be easily and completely removed with water after said substance has dried; where the width of the marking is  $\frac{3}{8}$  (three-eighths) of 1 (one) inch or greater.
- D. Paint Stick.** Any device which contains any substance, solid or liquid, including, but not limited to, any form of any substance commonly known as paint, stain, ink, chalk, wax, epoxy and/or any other similar substance that is not water soluble which can be applied to any surface by such means as applying pressure to and/or contacting any surface in such a way as to leave any visible mark measuring at least  $\frac{3}{8}$  (three-eighths) of 1 (one) inch at any point – otherwise described as graffiti or related vandalism (as described above in Section 2.A), visible from a distance of 20 (twenty) feet. Provided, however, that this definition of “paint stick” shall be limited to devices which create such a mark that is indelible or permanent in nature (and cannot therefore easily and completely be

removed with water after the mark has dried).

- E. Etchers.** Any tool, device, and/or other mechanism including, but not limited to, any tool, device, and/or other mechanism commonly known as "glass etchers," "glass cutters," "metal etchers," "cutting instrument," "drill bits" 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 Section 2.A).
- F. Gum Label.** Any substance consisting of a material such as, but not limited to, paper, fabric, cloth, plastic, vinyl and/or any other similar material, where the material also contains one or more surfaces containing a substance such as, but not limited to, any material commonly known as an adhesive or glue, which can not be removed from the surface in an intact condition and with minimal efforts, including, but not limited to, decals, stickers, patches, stamps or labels.
- G. Graffiti Implements or Paraphernalia.** Any substance or material such as, but not limited to, aerosol paint containers, markers, paint sticks, etchers, gum labels, paint balloons, stamps or stamping devices; also including, but not limited to, spray actuators, tips (or nozzles) which can be applied to aerosol paint containers; any records of graffiti or related vandalism including, but not limited to, pictures, photographs, drawings, scrap books and/or other records depicting or illustrating any forms of graffiti or related vandalism (as described above in section 2.A).
- H. Supplier.** Any person(s) or entity such as, but not limited to, any business, company, co-op, corporation, enterprise, manufacturer, organization, partnership, proprietor, retail or wholesale store or outlet which sells, trades, donates, gives or requisitions to the public in any capacity whatsoever, any graffiti implements.
- I. Paint Balloon.** Any canister, can, container, bottle or other receptacle including, but not limited to, anything commonly known as a balloon or other receptacle made of any material such as, but not limited to, latex, plastic, rubber, paper, glass or other material which contains any substance commonly known as paint, stain, dye or any other pigmented substance intended for the purpose of defacing any property, public or private, upon impact or contact of any surface including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, under/overpasses, bridges trestles, buildings and/or any other structures or surfaces regardless of the material of the component.
- J. Stamp or Stamping Device.** Any tool, device or implement which can cause upon impact or contact any mark (described above as graffiti or related vandalism in Section 2.A) by means of ink, paint, stain or any other substance or material including, but not limited to, any device commonly known as a rubber stamp or similar device (whether manufactured, hand made or devised) which cannot be easily removed with water, for the purpose of defacing property, public or private.
- K. Spray Actuator.** Any object capable of being attached to an aerosol paint

container for the purpose of spraying the substance contained therein. Common examples of a spray actuator include, but are not limited to, terms such as "spray tip", "nozzle" or "button".

- L. Pressurized container.** Any can, bottle, spray device or other mechanism designed to propel liquid which contains ink, paint, dye or other similar substance which is expelled under pressure, either through the use of aerosol devices, pumps or similar propulsion devices.
- M. Graffiti Implements.** Aerosol paint containers, felt tip markers, paint sticks, etchers, gum labels, paint balloons, stamp or stamping devices, tips that can be attached to an aerosol paint container, nozzles that can be attached to an aerosol paint container, or spray actuators as defined in this ordinance.

### **Section 3. Prohibition of Graffiti and Related Vandalism**

- A.** It is unlawful for any person or group of persons to commit any overt act resulting in or attempting to result in the application of graffiti or the engaging in or attempting to engage in an act of related vandalism (as set forth above in Sec.2.A) including, but not limited to, any of the following acts:
  - 1.** Any act such as drawing, scribing, etching, scratching, marking, painting, staining, sticking on or adhering to any real or personal property surface, public or private, including, but not limited to, trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, under/overpasses, bridges, trestles, buildings and/or any other structures or surfaces.
  - 2.** Any act of participation in applying graffiti such as, but not limited to, conspiring to commit or assist in the applying of graffiti or engaging in or assisting in an act of related vandalism, including, but not limited to, acting as a "look-out", regardless of the fact the "act" was not actually witnessed.
  - 3.** Any person who knowingly allows any acts of graffiti or related vandalism to occur on or to any property over which he or she has control as owner, tenant or possessor and who thereafter fails to promptly report such acts to the proper authorities is guilty of being a principal to the crime.

**Exceptions:** Any mural or work of art approved by the County through a design review or planning process and requiring proper permits prior to commencement of any work, shall not constitute graffiti.

- B.** It is unlawful for any person, business, company, or other entity which owns or otherwise controls any building, sign, pole, vehicle, trailer, trash receptacle, wall, parking lot, walkway or any other structure or real property to knowingly allow or permit any graffiti or related vandalism to be placed on, or to take place on, any such structure or property where the graffiti and/or results of the vandalism are visible from any public right of way.
- C.** Graffiti and/or graffiti related vandalism which appears on property and/or structures where such graffiti or related vandalism is visible from a public right of way shall be deemed to be a public nuisance and shall be subject to abatement

as provided for in Riverside County Ordinance No. 704.

**Section 4. 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 and a misdemeanor 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.

**Section 5. Prohibition of Furnishing of Graffiti Implements or Paraphernalia to a Minor.**

It is unlawful for any person, firm or corporation, other than the parent or lawfully designated custodian of the minor, to sell, loan, give, exchange or otherwise furnish any aerosol paint containers, paint sticks or etchers to any person under the age of 18 years without the advanced written consent (in possession) from the parent or lawfully designated custodian of said minor.

**Section 6. Commercial Display.**

- A. It is unlawful for any supplier to display any graffiti implement, paraphernalia or spray actuator including any such tool, device, material or substance including, but not limited to, aerosol paint containers, felt-tip markers, paint sticks and/or etchers, in such a way as to be accessible by anyone who is not an employee or other authorized personnel pending lawful distribution of said implement or product. Said graffiti implement, paraphernalia or spray actuator shall be kept in a locked area not accessible to members of the public but may be displayed in plain view of potential retail customers.
- B. It is unlawful for any supplier to store, stock or display any graffiti implement, paraphernalia or spray actuator in such a way as to be handled (or be removable) by anyone who is not an employee or authorized personnel for purposes of demonstration, advertising or other display. Said graffiti implement, paraphernalia or spray actuator shall be kept in a locked area not accessible to

members of the public but may be displayed in plain view of potential retail customers.

- C.** It is unlawful for any supplier to display any graffiti implement, paraphernalia or spray actuator outdoors in a nonpermanent structure or facility; unless, displayed in a lock up device, i.e., a locked metal, glass or other similar cage or case, securely fastened to the ground so as not to be able to be caused to slide, roll, be lifted or otherwise moved more than 2 (two) inches in any direction. All lock-up devices shall maintain a minimum size as follows: height of 36" (thirty-six inches), width (or length) of 72" (seventy-two inches), depth of 18" (eighteen inches), or greater, with no more than 1 (one) opening side.
- D.** All suppliers doing business in the unincorporated portions of Riverside County shall display a sign stating the following:
1. "Must be 18 years of age to purchase. Must have valid I.D. to purchase.", or similar inscription.
  2. "Any person who maliciously defaces real or personal property with graffiti or by related vandalism is guilty of a misdemeanor punishable by fine, imprisonment, or both, and may also be held responsible for payment of restitution to the victim."

All signs must be at least 10" (ten inches) by 16" (sixteen inches), with letter size of at least 1" (one inch), and posted in a conspicuous place within 6' (six feet) of said implement or product.

- E.** It shall be the joint and individual responsibility of the supplier, vendor, property owner, property manager, store manager and/or district manager or corporate officer to comply with any and all applicable sections of this Ordinance.

#### **Section 7. Penalties for Violation.**

- A.** A violation of this Ordinance is a misdemeanor or an infraction as hereinafter specified.
1. A violation when charged as a misdemeanor shall be punishable by a fine of up to one thousand dollars (\$1,000) or up to six months in the County Jail, or both and/or community service to abate graffiti. For the purpose of community service, where the defendant is a minor, one parent or guardian shall accompany the minor in the performance of said service unless excused by the court upon a showing of good cause. Payment of any fine or completion of a jail term shall not relieve a person from the responsibility of correcting the violation.
  2. A violation for a first time offense, only, may be charged as a infraction and shall be punishable by a fine not exceeding one hundred dollars (\$100). Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation and the court may, in addition to any fine imposed or in lieu of imposing a fine, order the party to perform community service to abate graffiti. For the purpose of community service, where the defendant is a minor, one parent or guardian shall accompany the minor in the performance of said service unless excused

by the court upon a showing of good cause.

- B. As a part of any sentence imposed, the court may also order that restitution be paid to the victim by the admitted or convicted perpetrator and in the case of a perpetrator who is a minor by the minor's parent or lawfully designated guardian or custodian.
- C. Upon conviction, the perpetrator and/or parent or lawfully designated guardian or custodian may be required to enroll in and attend a diversionary program - possibly requiring liability waivers and/or payment towards all or a portion of the cost of the program, as such costs shall have been established by the Board of Supervisors of the County of Riverside.

**Section 8. Severability.**

If any portion, provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.

**Section 9. Ordinance Shall Work in Conjunction With State Statutes and Local Ordinances.**

This Ordinance shall be interpreted so as to work with and in conjunction with (when and where applicable) any and all state and/or local ordinances relating to the control of graffiti and/or related vandalism, including, but not limited to, Sections 594, 594.1, 594.2, 594.3, 594.5, 594.6, 594.7, 594.8, 640.5, 640.6, 640.7, 640.8 of the California Penal Code; Section 1714.1 of the California Civil Code; Section 53069.3 of the California Government Code; and Riverside County Ordinance 704.

**Section 10. Reward For Information.**

The Board of Supervisors determines that rewards for any information leading to the identification, apprehension and conviction of any person who has placed graffiti upon any public or private property within the unincorporated areas of Riverside County shall be in a range from one hundred dollars (\$100) to one thousand dollars (\$1,000), to be specifically determined by the Director of Building and Safety, or that person's designee, and the Sheriff, or that person's designee, based on the severity of the crime. The identity of those seeking rewards shall be considered confidential and shall not be released to members of the public. The Board of Supervisors reserves the right to require that the convicted offender reimburse the County for any reward paid, and place the responsibility for such reimbursement upon the parent(s) or legal guardian(s) of any minor so convicted.

**Section 11. Graffiti Implement Sales License.**

- A. Beginning on July 1, 2007, it shall be unlawful for any person to sell, offer for sale, display for sale, or otherwise make available for sale (within unincorporated Riverside County) any graffiti implement unless that person then holds a valid annual Graffiti Sales License. A valid annual Graffiti Sales License will hereinafter be referred to as a "GS License.
- B. Each GS License shall cover an annual period that extends from the beginning of

the day on July 1 until the end of the day on June 30 of the following year. A GS License shall be obtained in advance (in the manner specified by this ordinance) by any person who intends to sell any graffiti implement during a particular annual period (or during any part of that annual period).

- C. The issuing department for GS Licenses will be the Department of Building and Safety for the County of Riverside. Upon the submission to that Department of a properly filled-out application for a GS License (and the payment to that department of the annual regulatory fee for a GS License), that Department shall issue a GS License to the applicant. In order to obtain the issuance of a GS License for a particular annual period, the applicant shall submit its GS License application, attaching proof of a valid County business license, and pay its GS License fee no earlier than the April 1 date (that is three months prior to the commencement of the annual period for which the GS License is being requested) and no later than June 29 (of the annual period for which the GS License is being requested). If a GS license is issued after July 1 of the annual period for which the license is issued, it shall not have the retroactive effect of legalizing any unlawful act or omission (regarding graffiti implements) that may have occurred between July 1 and the date of license issuance. License fees shall not be prorated if issued during any calendar year.
- D. The annual regulatory fees for GS Licenses shall be used to fund the following activities and operations of the Department of Building and Safety of the County of Riverside: they shall be used to fund efforts to identify and compile a list of those individuals, stores, companies and their locations, that are selling or otherwise furnishing graffiti implements or paraphernalia (within the meaning of sections 5 and 6 of this ordinance); they shall be used to fund the monitoring of such sellers or furnishers in order to confirm that they are not selling or furnishing graffiti implements or paraphernalia to minors (without receiving the prior written consent of the parents or lawful custodians of those minors) within the meaning of section 5 of this ordinance; they shall be used to fund the monitoring of such sellers or furnishers in order to confirm that they are storing, stocking, and displaying their stock of graffiti implements and paraphernalia in a manner that is inaccessible (within the meaning of sections 6.A., 6.B., and 6.C. of this ordinance); they shall be used to fund the monitoring of such sellers or furnishers in order to confirm that they are properly displaying the sign that is required by section 6.D. of this ordinance; and they shall be used to fund the costs of administering the County's GS License program.
- E. By March 31, 2007, and by March 31 of each succeeding year, the Department of Building and Safety for the County of Riverside shall cause to be estimated (for the annual period beginning approximately three months later) the sum total of funds that will be necessary to fund the regulatory activities and operations described above in section 11.D, and it shall cause to be estimated (for the annual period beginning approximately three months later) the sum total of separate locations from which graffiti implements or paraphernalia will be sold, offered for sale, displayed for sale, or otherwise made available for sale. Under no circumstances shall the annual regulatory fee per location (for a GS License) exceed a dollar amount that is equal to the number obtained by dividing the sum total of such estimated separate locations into the sum total of such estimated funds. If a person sells graffiti implements or paraphernalia, offers them for sale, displays them for sale, or otherwise makes them available for sale out of more than one separate location during a particular annual period, that person must

submit an application for each and every one of those separate locations, and that person must pay the annual regulatory fee for each and every one of those separate locations.

- F.** A violation of section 11 of this ordinance is enforceable in the following manner.
- 1.** A violation of section 11 of this ordinance may be charged as either an infraction or a misdemeanor. If charged as an infraction, such a violation is punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for each additional violation within one year. If charged as a misdemeanor, a violation of section 11 of this ordinance is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Payment of any fine or completion of any jail term shall not relieve a person from the responsibility of correcting the violation.
  - 2.** A violation of section 11 of this ordinance shall constitute a public nuisance.
  - 3.** A violation of section 11 of this ordinance may be administratively prosecuted under sections 1, 3, 5, 6, 7, 8, 11, 12, 13, 14, and 15 of Riverside County Ordinance No. 725. For purposes of such an administrative prosecution, section 11 of this ordinance shall constitute one of the "County Land Use Ordinances." For each and every day during any portion of which a violation of section 11 of this ordinance is committed, continued, or permitted, it shall constitute a separate and distinct administrative offense.
  - 4.** A violation of section 11 of this ordinance may be enforced through a civil action to recover the annual regulatory fee for a GS License, for damages, for injunctive relief, or for any other civil remedy whatsoever.
  - 5.** All criminal, administrative, civil, and other remedies mentioned in section 11 of this ordinance shall be cumulative and not exclusive.
  - 6.** Violations of sections 3, 4, 5, or 6 of this ordinance shall be governed by section 7 of this ordinance.

**Section 11.** This Ordinance shall be effective 30 days after the date of adoption.

**Adopted:** 733 Item 11.1a of 08/24/1993 (Eff: 09/23/1993)

**Amended:** 733.1 Item 3.1 of 04/19/2005 (Eff: 05/19/2005)

733.2 Item 3.42 of 01/09/07 (Eff: 02/08/2007)