

CHAPTER 9.31

GRAFFITI PREVENTION

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9.31.010 Purpose and intent.

It is the purpose and intent of the City Council of the City of Corona, through the adoption of this chapter, to enact supplemental measures to state law to further restrict acts associated with defacing both public and private property and prosecute offenders to the maximum extent allowed by law.

(`78 Code, § 9.31.010.) (Ord. 2152 § 1 (part), 1993.)

9.31.020 Definitions – Generally.

Whenever the following terms are used in this chapter, they shall mean the following.

(A) **"Aerosol paint container"** means any aerosol container adopted, constructed or intended for the purpose of spraying paint or other substances capable of defacing property.

(B) **"City Manager"** means the City Manager or his or her designee.

(C) **"Felt tip marker"** means any marker or similar implement with a tip measured at its broadest width greater than one-sixteenth (1/16) of an inch containing ink or other pigmented liquid.

(D) **"Graffiti"** means any unauthorized inscription, word, figure, symbol or design that is marked, etched, scratched, drawn or painted on any surface.

(E) **"Graffiti implement"** means an aerosol paint container, a felt tip marker, paint stick, gum label or etching tool capable of defacing a surface.

(F) **"Gum label"** means any sheet of paper, fabric, plastic or other substance with an adhesive backing capable of adhering to a surface.

(G) **"Loitering"** means remaining in an area for a prolonged period of time without apparent reason or business when the circumstances are such that a reasonable person would conclude that the purpose of the individual's presence is to deface property.

(H) **"Paint stick" or "graffiti stick"** means a device containing a solid form of paint, chalk, wax, epoxy or similar substance capable of creating a mark of at least one-sixteenth (1/16) of an inch in width upon a surface.

(I) **"Person"** means an individual or firm, partnership, corporation or similar organization.

(`78 Code, § 9.31.020.) (Ord. 2152 § 1 (part), 1993.)

9.31.030 Graffiti – Unlawful to apply.

It shall be unlawful for any person to apply graffiti to any public or private property.

(`78 Code, § 9.31.030.) (Ord. 2152 § 1 (part), 1993.)

9.31.040 Implement possession – Minors.

(A) It shall be unlawful for any person under the age of 18 years of age to possess any graffiti implement while upon public property without the prior written consent of the City Manager.

(B) It shall be unlawful for any person under the age of 18 years of age to possess any graffiti implement while upon private property without the prior written consent of the private property owner.

(C) The foregoing provisions shall not apply to any person attending or traveling to or from a school at which he or she is currently enrolled, if participating in a formally sanctioned school activity requiring the use of a graffiti implement.

(`78 Code, § 9.31.040.) (Ord. 2152 § 1 (part), 1993.)

9.31.050 Implement possession – Designated public places.

No person shall have in his or her possession any graffiti implement while in a public park, playground, swimming pool, recreation facility or while loitering near an underpass, bridge abutment, storm drain, sound wall or similar type of public infrastructure.

(`78 Code, § 9.31.050.) (Ord. 2152 § 1 (part), 1993.)

9.31.060 Furnishing to minors – Prohibited.

It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan or otherwise furnish, or cause or permit to be exchanged, given, loaned or otherwise furnished, any graffiti implement to any person under the age of 18 years without the written consent of the parent or legal guardian.

(`78 Code, § 9.31.060.) (Ord. 2152 § 1 (part), 1993.)

9.31.070 Aerosol paint sales – Display regulations.

(A) No person engaged in the commercial retail sale of aerosol paint shall display or store for sale, trade or exchange any such paint accessible to the public without employee assistance.

(B) Two acceptable methods for display or storage shall include the following:

(1) A completely enclosed storage device permanently affixed to a building or fixture therein which shall, at all times except during access by authorized employees, remain locked;

(2) Display or storage behind a sales or service counter where the public may not enter.

(`78 Code, § 9.31.070.) (Ord. 2152 § 1 (part), 1993.)

9.31.080 Graffiti reward system.

(A) Pursuant to Cal. Gov't Code § 36069.5, the city offers a reward of \$250 for information leading to the arrest and conviction of any person for violation of Cal. Penal Code § 594 by the use of graffiti, not to exceed \$500 per incident of graffiti.

(B) In the event of multiple contributors of information leading to such arrest and conviction, the city may divide the reward equally among the contributors.

(C) A claim for reward under this section shall be filed with the City Clerk. The City Manager shall verify the accuracy of all claims and report to the City Council. A claim shall be awarded only after City Council approval of the City Manager's report. Each claim shall:

(1) Specifically identify the date, location and kind of property damaged or destroyed;

(2) Identify by name the person who was convicted; and

(3) Identify the court rendering the conviction and the date of the conviction.

(`78 Code, § 9.31.080.) (Ord. 2152 § 1 (part), 1993.)

9.31.090 Car phone air time – Reimbursement.

The city may reimburse to any person reporting by means of a mobile or cellular phone an act of graffiti or the existence of graffiti within the city limits in the amount of the direct phone charge exclusive of taxes.

(`78 Code, § 9.31.090.) (Ord. 2152 § 1 (part), 1993.)

9.31.100 Sales tax adoption – Effective date.

(A) Pursuant to Cal. Revenue and Taxation Code §§ 7287 *et seq.*, a tax is levied on the privilege of selling at retail within the city any aerosol paint containers, felt tip markers or similar implements at the rate of ten cents (\$0.10) per aerosol paint container and five cents (\$0.05) per felt tip marker or other graffiti implement.

(B) The tax shall become effective ten days after the date of the approval of two-thirds of the local electorate.

(C) Prior to the effective date of the tax, the City Manager shall contract with the State Board of Equalization to perform all functions incident to the administration of the tax pursuant to Cal. Revenue and Taxation Code § 7287.2.

(D) The tax shall be repealed five years from its effective date.

(`78 Code, § 9.31.100.) (Ord. 2152 § 1 (part), 1993.)

9.31.110 Land use entitlements – Conditions.

In approving subdivision maps, conditional use permits, variances or other land use entitlements, the city may impose any or all of the following conditions for the purpose of controlling graffiti:

(A) Use of anti-graffiti materials on surfaces exposed to public view acceptable to the City Manager and kept on file at the Department of Community Development;

(B) Use of landscaping to screen or provide a barrier to surfaces prone to graffiti;

(C) Right of access by city to remove graffiti;

(D) Applicant or permittee supply the city with graffiti removal material on demand such as matching paint for a period of two years from final approval or permit issuance;

(E) Applicant or permittee shall immediately remove any graffiti.

(`78 Code, § 9.31.110.) (Ord. 2152 § 1 (part), 1993.)

9.31.120 Encroachment permits – Conditions.

All encroachment permits issued by the city may, among other things, be conditioned on the following:

(A) Use of anti-graffiti materials on surfaces exposed to public view acceptable to the City Manager and kept on file at the Department of Community Development;

(B) Use of landscaping to screen or provide a barrier to encroaching object;

(C) The immediate removal by the permittee of any graffiti;

(D) The right of the city to remove graffiti or to paint the encroaching object to conceal graffiti;

(E) Applicant shall provide the city with sufficient matching paint on demand for use in painting the encroaching object to conceal graffiti for the duration of the permit.

(`78 Code, § 9.31.120.) (Ord. 2152 § 1 (part), 1993.)

9.31.130 Graffiti prone surfaces – Retrofitting.

Any owner of an object located upon a parcel of land, including, but not limited to, a sign, structure, building, wall or part thereof viewable to the public which has been defaced with graffiti more than three times in six months shall permit the city to enter upon his or her land for the purpose of retrofitting the surface with an anti-graffiti coating at the property owner's expense to permit more efficient or convenient removal of graffiti.

(`78 Code, § 9.31.130.) (Ord. 2152 § 1 (part), 1993.)

9.31.140 Violation – Penalties.

(A) **Parental civil liability.** A parent or legal guardian having custody or control of a minor under the age of 18 shall be jointly and severally liable with such minor, and shall be considered a "responsible person" for any administrative penalties assessed pursuant to Chapter 1.08 of this code, and may be held liable in a civil proceeding for damages to public or private property, including attorney's fees and court costs, incurred as a result of the minor willfully violating any provision of this chapter. Damages assessed against a parent or legal guardian having custody and control of a minor shall not exceed any expressly applicable statutory limits, including Civil Code § 1714.1.

(B) **General civil liability - administrative penalties.** Any person may be held liable in a civil proceeding for damages to public or private property, including attorney's fees and court costs, incurred as a result of the person violating any provision of this chapter. Any person responsible for a violation of any provision of this chapter may be assessed administrative penalties pursuant to Chapter 1.08 of this code.

(C) **Criminal penalties.** Any violation of a provision of this chapter shall be a misdemeanor punishable by either six months in jail, a \$1,000 fine, or both.

(D) **Community service requirement.** Upon the conviction of any person for the application of graffiti, the city may request the court to order the person to complete community service not to exceed 100 hours for the first conviction. Upon the second and subsequent conviction of any person for the same offense, the city may request the court to order the person to complete community service not to exceed 200 hours.

(E) **Graffiti removal.** Upon the conviction of any person for the application of graffiti, the city may request the court to order the person to perform the necessary labor to clean up, repair or replace the property damaged by that person.

(F) **Driving privilege suspension.**

(1) In accordance with Cal. Vehicle Code § 13202.6, upon the conviction of any person for the application of graffiti committed while the person was 13 years of age or older in violation of Cal. Penal Code § 594, the city may request the court to suspend the person's driving privilege for one year.

(2) If the person convicted does not yet have the privilege to drive, the city may request that the court order the California Department of Motor Vehicles to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. For each successive offense, state law requires that the court suspend the person's driving privilege for those possessing a driver's license or delay the eligibility for those not in possession of a driver's license at the time of their conviction for one additional year.

(`78 Code, § 9.31.140.) (Ord. 3289 § 1, 2018; Ord. 2152 § 1 (part), 1993.)

9.31.150 Severability.

The City Council declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions thereof be declared invalid or unconstitutional. If for any reason any portion of this chapter shall be declared invalid or unconstitutional, then all other provisions thereof shall remain valid and enforceable.

(`78 Code, § 9.31.150.) (Ord. 2152 § 1 (part), 1993.)