City of Atascadero
Staff Report – City Manager’s Office

Graffiti Abatement Ordinance

RECOMMENDATION:

Council adopt, on second reading, by title only, the Draft Graffiti Abatement Ordinance, thereby amending Atascadero Municipal Code Title 5 to add Chapter 14.

DISCUSSION:

There are three types of graffiti: gang related, tagging, and political. In recent months the City of Atascadero has sustained a number of serious graffiti incidents in addition to other communities throughout the north county. Vandalism like graffiti is a crime, and the Atascadero Police Department is active in enforcement related to graffiti. Public Works staff is working diligently to abate graffiti as soon as it appears.

Key elements to the ordinance include:

1. Makes the legal distinction that graffiti is a nuisance and unlawful.
2. Makes it unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private proper.
3. Encourages the prompt removal of graffiti from walls, pavement, structures and other improvements on both public and private property.
4. In the case where graffiti is applied by a minor, the parents or legal guardian of the minor shall be jointly and severally liable for the payment of civil damages resulting from the minor’s misconduct in an amount not to exceed Twenty-Five Thousand Dollars ($25,000) for each offense.
5. The ordinance makes it unlawful for any person, firm, partnership, or corporation to violate any provision or fail to comply with any of the requirements of this Chapter.

6. Sets standards for graffiti removal to include complete covering to render it inconspicuous using paint that matches the original color, and/or completely repainting.

7. The City Manager, or his/her designee, may conduct programs designed to educate the community about graffiti prevention in coordination with local businesses.

On June 26, 2007, the City Council conducted a public hearing to consider a graffiti ordinance, and adopted the Draft Ordinance for first reading by title only.

**FISCAL IMPACT:**

Staff has previously estimated that, on average, it is costing $400 per incident to abate. However, Staff has developed a tracking procedure that should provide a greater accounting of actual costs associated with abating graffiti.

**ATTACHMENT:** Draft Ordinance