

**ORDINANCE NO. 704  
(AS AMENDED THROUGH 704.2)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING  
ORDINANCE NO. 704 PROVIDING FOR THE ABATEMENT OF GRAFFITI**

The Board of Supervisors of the County of Riverside Ordains as Follows:

**SECTION 1. FINDINGS AND PURPOSE.**

- A.** The Board of Supervisors finds and determines that Graffiti placed or inscribed on public and private property is a blighting factor which depreciates the value of the property which has been the target of such malicious vandalism, and also depreciates the value of the adjacent surrounding properties, with a resulting negative impact on the entire community.
- B.** The Board of Supervisors further finds and determines that abatement of graffiti will enhance the appearance of and benefit the use and enjoyment of properties in the County and appreciate the values and appearance of neighboring properties.
- C.** The Board of Supervisors finds and determines that graffiti must be abated in a rapid manner to prevent the further spread of graffiti to avoid detrimental impacts on the public health, safety and welfare of the citizens of Riverside County.
- D.** It is the purpose and intent of this ordinance as authorized by Government Code Section 53069.3 to provide a procedure for the removal of graffiti from walls and structures on both public and privately owned property in order to reduce blight and deterioration within the County and to protect and promote the public safety.

**SECTION 2. GRAFFITI DEFINED.** "Graffiti" means any unauthorized inscription, word, figure, mark, symbol or design that is marked, etched, scratched, drawn, or painted on any structural component of any building, structure, sign or other facility, regardless of the nature of the material of that structural component.

**SECTION 3. GRAFFITI PROHIBITED.**

- A.** It shall be unlawful for any person to place graffiti upon any public or privately owned, permanent building, structure, sign or other facility located on publicly or privately owned real property within the unincorporated areas of Riverside County.
- B.** No person owning or otherwise in control of any real property as tenant, occupant or otherwise within the unincorporated areas of Riverside County shall permit or allow any graffiti to be placed upon or remain on any permanent building, structure, sign, or other facility located on such property when the graffiti is visible from the street or other public or private property.
- C.** Any person applying graffiti within the unincorporated areas of Riverside County

shall have the duty to remove the same within twenty-four (24) hours after notice by the County or the public or private owner of the property involved. Failure of any person to promptly so remove the graffiti shall constitute a separate and additional violation of this ordinance. Where graffiti is applied by a person under the age of 18, the parent and/or guardian of such minor shall be responsible for the removal and for the payment therefor.

**SECTION 4. GRAFFITI REMOVAL AT COUNTY EXPENSE.** Whenever the Director of Building and Safety or his/her designated representative, determines that graffiti is so located on public or private property within the unincorporated areas of Riverside County so as to be capable of being viewed by persons utilizing any public right-of-way in the County, the Director of Building and Safety or his/her designated representative is authorized to provide for the removal of the graffiti at the County's expense, upon the following conditions:

- A. In removing the graffiti, the painting or repair shall be limited to the minimum necessary to properly restore the defaced area.
- B. Where a structure is owned by a public entity other than the County, the removal of the graffiti may be authorized only after securing the consent of the public entity having jurisdiction over the structure.
- C. When a structure is privately owned, the removal of the graffiti by county personnel or by a private contractor under the direction of the County shall be authorized only after securing the consent of the owner.
- D. Whenever graffiti has been removed from public or private property at the expense of the County, each person who placed any of the graffiti, and the custodial parents or guardians of any minor who placed any of the graffiti shall be legally responsible to reimburse the County for all costs for removal of such graffiti as well as for related staff investigation time.

**SECTION 5. GRAFFITI DECLARED PUBLIC NUISANCE.** Graffiti which the Director of Building and Safety or his/her authorized representative had determined to exist on any permanent structure in the unincorporated area of the County and which is visible from a street or other public or private property is hereby declared to be a public nuisance.

**SECTION 6. ABATEMENT.** Whenever the Director of Building and Safety or his/her authorized representative determines that graffiti on a particular building, structure, sign or other facility constitutes a public nuisance, whether or not the owner consents to removal of the graffiti by the County, such graffiti may be abated as follows:

- A. **Notice.** The Director of Building and Safety or his/her authorized representative

shall issue or cause to be issued a Notice to abate such nuisance. The property owner shall have ten (10) days after the date of the Notice to remove the graffiti, or the property shall be subject to abatement by the County.

**B. Service of Notice.** The Notice to abate shall be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of Riverside. If there is no known address for the owner, the Notice shall be sent in care of the property address. The Notice required by this section may be served in any one of the following manners:

1. By personal service on the owner, occupant, or person in charge or control of the property.
2. By certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the Notice will be sent to the property address.

**C. Content of Notice.** The Notice shall be substantially in the following form:

**NOTICE OF INTENT TO REMOVE GRAFFITI**

**To:** \_\_\_\_\_ **Date:**

**NOTICE IS HEREBY GIVEN** that you are required by law and at your expense to remove or paint over the graffiti located on the property commonly known as:

\_\_\_\_\_, California

which is visible to public view, within ten (10) days after the date of this Notice. Said graffiti is hereby determined to constitute a public nuisance. If you fail to remove the graffiti, County personnel or private contractors employed by the County will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of such abatement by County personnel or private contractors hired by the County shall be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objection to, or interest in, this matter are hereby notified to submit any objections or comments to the Director of Building and Safety for the County of Riverside or his/her designated representative at the address shown below within ten (10) days from the date of this Notice. At the conclusion of this ten (10) day period, the County shall be authorized to proceed with the abatement of the graffiti inscribed on your property and at your expense without further notice.

**By:**

**Title:**

**SAFETY**

**DEPARTMENT OF BUILDING &**

1777 Atlanta Avenue, Suite G-5  
Riverside, California 92507  
Telephone: (909) 275-2000

- D. **Hearings.** Within ten (10) days from the date of mailing or personal service of the Notice, the owner or person occupying or controlling such premises or lot affected may request a hearing before the Director of Building and Safety.

All hearings shall be held before the Director of Building and Safety or his designee acting as Hearing Officer, who shall not be a person who has been personally involved in the case. The Hearing Officer shall hear all facts and testimony he deems pertinent. The Hearing Officer shall not be limited by the technical rules of evidence. The owner of the land or occupant may appear in person or by an agent at the hearing, and may present a written statement in time for consideration at the hearing.

The Hearing Officer may impose such conditions and take such actions and issue such orders as he deems appropriate under the circumstances to carry out the purpose of this ordinance. He may delay the time for removal of the graffiti if, in his opinion, the circumstances justify it. At the conclusion of the hearing or within a reasonable time thereafter, the Hearing Officer shall issue his decision which shall be written and shall mail a copy thereof to the party requesting the hearing.

- E. **Appeal.** Within ten (10) days from the receipt of the Hearing Officer's decision, the owner or person occupying or controlling such premises or lot affected may appeal to the Board of Supervisors of the County of Riverside. At a regular meeting of the Board of Supervisors held not more than thirty (30) days thereafter, the Board of Supervisors shall proceed to hear and pass upon such appeal. The decision of the Board of Supervisors shall be final and conclusive.

- F. **Removal by County.** Upon failure of the person or persons so notified to comply with the Notice by the designated date or such continued date thereafter as the Director of Building and Safety or his/her designated representative approves, then the Director is authorized and directed to cause the graffiti to be abated by County forces or by private contractors, and the County or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the County and or the contractor, and any paint used to obliterate the graffiti shall be as close as practicable to the background color(s) on which the graffiti has been painted or inscribed.

- G. **Record of Cost for Abatement.** The Director of Building and Safety or his/her authorized representative shall keep an account of costs (including incidental and administrative expenses) of abating such graffiti on each separate parcel of land where the work is done, and shall render an itemized report, in writing, to the Board of Supervisors showing the cost of abatement; provided, that before the report is submitted to the Board of Supervisors a copy shall be served in accordance with the provisions of this section, together with a notice of time when the report shall be heard by the Board of Supervisors for confirmation.

1. The Board of Supervisors shall set the matter for hearing to determine the

correctness and reasonableness of such costs.

2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the County in the preparation of notices, specifications and contracts and in inspecting the work, and the costs of printing and mailing required hereunder, and attorneys fees.

**H. Report/Hearing and Proceedings.** At the time and place established for receiving and considering the report, the Board of Supervisors shall hear and pass upon the report of such costs of abatement, together with any objections or protests. Thereupon, the Board of Supervisors may take such revision, correction or modification in the report as it may deem just, after which, by motion the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the Board of Supervisors on all protests and objections which may be made shall be final and conclusive.

**I. Assessment of Costs Against Property.** The total cost for abating such nuisance, as confirmed by the Board of Supervisors, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the Office of the Riverside County Recorder of a Notice of Lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

1. After such confirmation and recordation, a copy shall be filed with the Assessor and Tax Collector of Riverside County in order that said officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or
2. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

**SECTION 7. PRIVATE PROPERTY CONSENT.** Property owners in the unincorporated areas of Riverside County may consent in advance to County entry onto private property for graffiti removal purposes. The County shall make available forms for such consent.

**SECTION 8. PUBLIC PROPERTY.** Where a structure is owned by a public entity other than the County, the removal of the graffiti may be authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

**SECTION 9. LIMITATION OF FILING JUDICIAL ACTION.** Any owner, lessee,

occupant or other interested person having any objections or being aggrieved at any proceeding taken on appeal by the Board of Supervisors in ordering the public nuisance under the provisions of this ordinance, must bring an action to contest such decision within thirty (30) days after the date of such decision by the Board of Supervisors. Otherwise, all objections to such decision shall be deemed waived.

**SECTION 10.** The additional remedies, penalties and procedures for violation of this ordinance and for recovery of costs related to enforcement provided for in Ordinance No. 725 are incorporated herein by this reference. A person convicted under Ordinance No. 704 may also be ordered to render Community Service, including, but not limited to, cleaning up, painting over, or otherwise removing his own graffiti and/or graffiti of others.

**SECTION 11.** If any clause, provision, sentence, or paragraph of this ordinance, or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of this ordinance which shall still be in effect, and to its end, it is hereby declared that the provisions of this ordinance are severable.

**SECTION 12.** This ordinance shall be effective thirty (30) days after the date of adoption.

**Adopted:** 704 Item 10.3 of 04/30/1991 (Eff: 05/30/1991)

**Amended:** 704.1 Item 3.5 of 05/04/1993 (Eff: 06/03/1993)  
704.2 Item 3.1 of 04/19/2005 (Eff: 05/19/2005)