



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: 011
Department No.: Board of Supervisors
For Agenda Of: December 16, 2008
Placement: Departmental
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Board Member(s) Supervisor Brooks Firestone, 3rd District
Contact Info: Kris Miller-Fisher, Executive Assistant, 568.2197
Terri Maus Nisich, Assistant County Executive Officer, 568.3400
Marie LaSala, County Counsel, 568.2950
SUBJECT: Graffiti Abatement Ordinance

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors set a hearing for December 16, 2008 to consider adopting a Graffiti Abatement Ordinance.

On December 16, 2008, hold a hearing (estimated 15 minutes) to:

- (A) Consider adopting a Graffiti Abatement Ordinance to add Chapter 47, Graffiti Abatement, to the Santa Barbara County Code (First reading).

On January 13, 2009, hold a hearing (estimated 15 minutes) to:

- (A) Consider adopting a Graffiti Abatement Ordinance to add Chapter 47, Graffiti Abatement, to the Santa Barbara County Code (Second reading).
- (B) Adopt a Resolution to Enable the Graffiti Ordinance within Isla Vista.

Summary Text:

The creation of a Graffiti Abatement Ordinance (“Ordinance”) will assist in efforts to combat the proliferation of graffiti throughout the County. Graffiti impacts the quality of life of County residents as it detracts from the aesthetics of the community, damages property, fosters disrespect for the law and contributes to increased crime. As such, the Graffiti Abatement Ordinance before the Board will allow County funds to be used for the expressed purpose of graffiti abatement on private properties located within the unincorporated areas of the County as quickly as possible. The prompt removal of graffiti will deter further graffiti.

The Ordinance will allow the County Executive Officer or his/her designee to arrange for the abatement of graffiti by County staff, contractors or volunteers on any privately owned surface, structure/building or real property, at no cost to the property owner. The County must receive written consent from the property owner in order to enter the property to remove the graffiti. Once written consent is received, the County will be able to promptly remove the graffiti from the affected property.

Property owners that neither remove graffiti from their property nor provide written consent to the County to remove the graffiti will be considered guilty of an infraction and assessed a penalty of \$100 per day until the graffiti is removed. An administrative appeals process will also be created whereby an appellant must file a written appeal within 10 days of citation. Upon receipt of the appeal request, a hearing conducted by a hearing examiner appointed by the County will take place within 20-45 days.

The Graffiti Abatement Ordinance will not immediately be enabled in all areas of the County. It will only be enacted in specific areas of the unincorporated County (the "effective area") that have a graffiti abatement plan and a funding mechanism in place. Once these two criteria are met, the Board may then adopt a resolution to enable the Graffiti Abatement Ordinance in a specific planning or redevelopment area (the "effective area").

The action before the Board today would enable the Graffiti Abatement Ordinance for the Isla Vista area. The County's Redevelopment Agency will provide the funding for graffiti abatement in the Isla Vista area. The use of redevelopment monies for graffiti abatement is permitted as per Section 33420.2. of the Health and Safety Code, which states: *"Within a project area, an agency may take any actions that the agency determines are necessary to remove graffiti from public or private property upon making a finding that, because of the magnitude and severity of the graffiti within the project area, the action is necessary to effectuate the purposes of the redevelopment plan, and that the action will assist with the elimination of blight, as defined in Section 33031."*

The Graffiti Abatement Ordinance for Isla Vista will become effective 30 days after its passage and adoption by the Board of Supervisors.

Background:

This item is on the Board's agenda to create a new section of the County's Code (Chapter 47) on Graffiti Abatement to allow funds to be allocated toward graffiti abatement in specified areas of the County (the "effective areas"). In particular, an effective area will be created for Isla Vista since it has a graffiti abatement plan and a funding mechanism in place. Redevelopment Agency funds will be directed toward graffiti abatement in the Isla Vista area to be used to remove graffiti from private property.

If the property owner provides written consent and if the abatement has not occurred on the same site more than three times within 12 months, County staff, contractors or volunteers will enter the private property and remove the graffiti at no cost to the property owner. If the property owner does not self-abate the graffiti or provide consent to the County for abatement, the property owner will be assessed a penalty of \$100 per day until the graffiti is abated. These fines will then be used for future abatement efforts in Isla Vista.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative: Funding for graffiti abatement within Isla Vista will be provided by the County's Redevelopment Agency. It is estimated that the cost of abatement will be approximately \$6,000 a year.

Staffing Impacts:

Legal Positions:

0

FTEs:

0

Special Instructions: Direct the Clerk of the Board to publish the ordinance in a newspaper of general circulation within fifteen days after the Board adopts the ordinance.

Attachments:

- (1) AN ORDINANCE OF THE BOARD OF SUPERVISORS ADDING CHAPTER 47, GRAFFITI ABATEMENT TO THE SANTA BARBARA COUNTY CODE
- (2) A RESOLUTION OF THE BOARD OF SUPERVISORS ENABLING THE GRAFFITI ABATEMENT ORDINANCE FOR THE ISLA VISTA REDEVELOPMENT AREA

Authored by:

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CC:

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Marie La Sala, County Counsel