



Agenda Item No: 2.a

PLACENTIA CITY COUNCIL AGENDA REPORT

Meeting Date: February 4, 2025

Submitted by: Margie McCoy

From: Development Services

Subject:

An Ordinance of the City Council of the City of Placentia, California amending Chapter 10.56 "Graffiti" of Title 10 "Peace, Morals and Safety" of the Placentia Municipal Code relating to the prevention, enforcement, and abatement of graffiti, and recovering costs related thereto

Financial Impact:

Fiscal Impact:

No immediate impact. Potential for increased revenue.

Summary:

This Ordinance would amend Placentia Municipal Code (PMC) Chapter 10.56 ("Graffiti") to add additional language to Section 10.56.010 "Intent and purpose", to add definitions of "Minor" and "Responsible Party" to Section 10.56.020, to add requirements to Section 10.56.060 to store graffiti (implements) only in areas where general public can only access with employee assistance; to add enforcement tools for recovering the City's cost of abating graffiti Section 10.56.070; to add language encouraging and/or requiring the use of graffiti-resistant coatings, faux or live landscaping or other techniques approved by the Development Services Director or designee to Standard Conditions of Approval for new developments.

Recommendation:

Recommended Action: It is recommended that the City Council take the following actions:

1. Open the Public Hearing concerning Ordinance No. O-2025-01, an Ordinance of the City Council of the City of Placentia, California amending Sections 10.56.010, 10.56.020, 10.56.060, and 10.56.070 (Chapter 10.56 "Graffiti" of Title 10 "Peace, Morals and Safety") relating to the prevention, enforcement, and abatement of graffiti, and recovering costs related thereto; and
2. Receive the Staff Report and consider all Public Testimony; and
3. Close the Public Hearing; and
4. Waive full reading, by title only, and introduce and adopt Ordinance No. O-2025-01, amending PMC Title 10 related to graffiti abatement.

Strategic Plan Statement:

This item is consistent with the City Council approved 5-Year Strategic Goal No. 4, to Increase Community Engagement, specifically Objective No. 4.7 Police, which is to Conduct Community Oriented Policing and Proactive Policing (i.e. Neighborhood Watch, Community Watch, etc.). This agenda item utilizes proactive policies for Policing and Code Enforcement.

Discussion:

The City desires to provide notice to all persons that the City intends to strictly enforce local and state laws pertaining to the vandalism of property by graffiti. This includes, but is not limited to, California Penal Code Sections 594, 594.1, 640.5 and 640.6, California Vehicle Code Section 13202.6, and Chapter 10.56 of the Municipal Code.

The additional language in the “Intent and Purpose” section explains why proactive enforcement is important. Graffiti has been found to be associated with criminal activity and delinquency. It is also a means of identification and intimidation utilized by gangs and its presence may further illegal gang-related activities.

The acts of graffiti vandalism are most often committed by persons under the age of 18, using aerosol spray paint and other implements that are often stolen from retail stores. To make these graffiti implements less accessible to minors and to provide retail stores greater protection from theft of these items, the City will require additional steps to prevent easy theft of implements most commonly used in committing graffiti related crimes.

In an effort to make theft of these graffiti implements more difficult, the Ordinance seeks to place them in enclosures behind the counter or in locked cabinets rather than open display shelving. To aid in the enforcement against graffiti vandalism by minors, the Ordinance holds jointly responsible the parents or guardians of the minors who commit these crimes, with escalating consequences for repeat offenses within certain time frames. The Ordinance provides for possible treble damages, civil litigation, and/or criminal prosecution as enforcement options.

Background:

The presence of graffiti creates fear within the community and blight upon the landscape and detracts from a sense of community enjoyed by the residents of the City of Placentia. The detrimental effects of graffiti go beyond the cost of clean-up and removal and there is currently no mechanism within the Ordinance to hold parents or legal guardians accountable for violations committed by persons under 18 years of age, nor can the City recover the costs of graffiti removal after such violations committed by minors.

While the City desires to provide mechanisms for the easy removal of graffiti in the future for property identified to be prone to repeated graffiti defacement, the City also desires to provide for the ability to enforce our regulations against these minor persons committing acts of graffiti within the City and to recover the costs incurred by the City in the abatement thereof.

Additionally, the City would require future developments to incorporate a mechanism to deter graffiti by using graffiti-resistant coatings, faux landscaping affixed to the vertical surface, live landscaping or other techniques approved by the Development Services Director or designee.

Fiscal Impact Summary:

No immediate impact. Potential for increased revenue.

Attachments

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