



Agenda Item

City Council

Item #: 10.1.

11/12/2024

File #: 24-0515

TO: Honorable Mayor and Members of the City Council

THRU: Tom Kisela, City Manager

FROM: Russell Bunim, Community Development Director

1. SUBJECT

Introduction and First Reading of Ordinance No. 29-24 amending Chapter 8.37 of the Orange Municipal Code pertaining to graffiti.

2. SUMMARY

Proposed Ordinance No. 29-24 provides for the abatement of graffiti on public and private property.

3. RECOMMENDED ACTION

Introduce and conduct First Reading of Ordinance No. 29.24. An Ordinance of the City Council of the City of Orange amending Chapter 8.37 of the Orange Municipal Code pertaining to graffiti.

4. FISCAL IMPACT

None.

5. STRATEGIC PLAN GOALS

1: Provide for a safe community

a: Provide staffing and resources to deliver services that ensure public safety.

6. DISCUSSION AND BACKGROUND

The City Council and community members have raised concerns about nuisance graffiti throughout the city. Nuisance graffiti significantly impacts public health, safety, and the welfare of residents, visitors, and businesses, while also diminishing the City's aesthetic appeal and economic development.

The proliferation of graffiti on both public and private property:

- Constitutes a public nuisance and is obnoxious to the community;
- May encourage criminal activity or behavior; and
- Diminishes the perception of public safety.

These issues contribute to visual blight, negatively affecting:

- Areas of potential economic development;

- Residents' sense of safety within the community; and
- Allocation of City resources.

Addressing these problems is crucial to maintaining a safe, attractive, and thriving community. The City has a vested interest in implementing effective solutions to mitigate the impacts of nuisance graffiti in our community.

Despite the City's ongoing efforts to address graffiti, it remains a persistent problem. The current provisions of the OMC address graffiti in the following manner:

1. Property owners are prohibited from allowing graffiti on their property or graffiti visible from public right-of-way.
2. The city must provide written notice to property owners, giving them at least three calendar days to remove the graffiti.
3. If no action is taken within this period, the city must obtain written consent from the property owner before removing the graffiti.
4. Obtaining consent can take three or more additional days, especially with an absentee owner.
5. If a property owner refuses or fails to provide consent, the City has no further abatement authority or remedies.

This process often results in graffiti remaining visible for extended periods of time, undermining the City's efforts to maintain a clean, attractive, and safe environment. The current approach's inefficiency highlights the need for more robust and timely graffiti abatement measures.

The City's graffiti abatement strategy involves an inter-departmental effort including Public Works staff who remove graffiti from public property, Code Enforcement Officers who issue graffiti removal notices to property owners, and Police Officers who investigate graffiti crimes and apprehend vandals when possible.

California Government Code Sections 38773.5 and 53069.3, authorizes cities to enact an ordinance to establish procedures for the abatement of obnoxious graffiti and provide for the use of City funds to remove graffiti and other inscribed material from both private and public property.

The proposed amendment to the OMC would simplify the process when the City is unable to obtain written consent to abate graffiti by reducing the time allowed for graffiti removal from private property from three days to 24 hours. Additionally, it would authorize more efficient enforcement for problematic properties and would add summary abatement authority to City staff for obnoxious graffiti that poses an immediate danger to the public safety, health and/or welfare as determined by designated City officials.

Key components of the ordinance include:

1. Updated definitions to describe the various types of graffiti.
2. Establishment of a 24-hour timeframe for an owner, occupant, or person in charge or control of any private property to abate graffiti upon notification by the City.

3. Procedures for graffiti abatement on both public and private property.
4. Authorization for City staff to immediately perform summary abatement of graffiti on private property without the owner's written consent, subject to the following limitations:
 - Obnoxious graffiti that is determined to create a danger to the public safety, health, and/or welfare;
5. Process for hearing appeals and cost recovery associated with graffiti abatement.
6. Various enforcement remedies such as assessment of administrative fines and criminal citations.

Staff plans to collaborate with property owners to achieve the goals of this proposed ordinance, prioritizing compliance over punitive or abatement measures. However, punitive or abatement actions will be reserved for special cases where there is a lack of cooperation or a failure to comply with the Code.

7. ATTACHMENTS

- Ordinance No. 29-24 - CLEAN
- Ordinance No. 29-24 - REDLINED