

Ordinance No.: 10827 (N.S.)  
Meeting Date: January 25, 2023 (01)

Ordinance No. 10827 (N.S)

AN ORDINANCE AMENDING SECTION 36.106(B) AND ADDING A SUBSECTION (C)  
TO SECTION 36.108 OF THE SAN DIEGO COUNTY CODE OF REGULATORY  
ORDINANCES RELATING TO GRAFFITI ABATEMENT COST RECOVERY DATED  
JANUARY 11, 2023

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the amendments made by this ordinance are intended to improve equity through changes to graffiti abatement regulations.

It is currently the responsibility of a private property owner to remove graffiti on their property; if the property owner does not remove the graffiti, they are subject to compliance action including, but not limited to, administrative citations pursuant to the San Diego County Code of Regulatory Ordinances Section 18.101 et seq. and/or public nuisance abatement pursuant to the San Diego County Code of Regulatory Ordinances Section 16.201 et seq. If the graffiti is removed by the County, either via an agreement with the property's owner or via a public nuisance abatement, the San Diego County Code of Regulatory Ordinances sections 36.106(b) and 36.108, respectively, require the County to recover the costs of the removal from the property owner. This leaves the burden of graffiti removal on those who are the victims of graffiti vandalism. To help reduce the impact of graffiti on our communities, this ordinance will allow the County to remove graffiti at no cost to property owners instead of requiring the property owners to remove the violations themselves or to pay the cost of removal. The changes can remove the graffiti and its associated impacts faster, reduce costs to property owners, and improve the quality of life and public safety in our communities. To implement the program, an amendment must be made to the San Diego County Code of Regulatory Ordinances to change Section 36.106(b) and to add a new subsection to Section 36.108 to allow the option not to recover County costs associated with the removal of graffiti.

Section 2. Section 36.106(b) of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

(b) As an alternative to abatement, the Director may enter into an agreement with a property owner or lessee in possession, or their respective authorized agent, for the County to remove graffiti at the property owner's or lessee's expense and/or with public funds pursuant to Section 53069.3 of the Government Code. The agreement shall include the property owner or lessee in possession, or their respective authorized agent's consent for the County's entry onto the property for graffiti removal and a waiver of liability in the event of any damage caused by the County in removing graffiti.

Section 3. Subsection (c) is hereby added to Section 36.108 of the San Diego County Code of Regulatory Ordinances to read as follows:

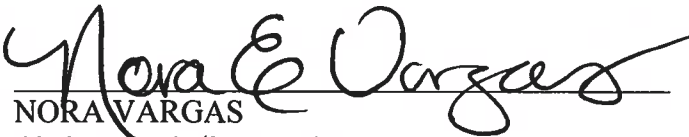
(c) In lieu of following the cost recovery procedures outlined in (a) and (b), the Director may choose to abate graffiti with the use of public funds pursuant to Section 53069.3 of the Government Code.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Regan Savalla, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 25<sup>th</sup> day of January 2023.

  
NORA VARGAS  
Chair, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 25<sup>th</sup> day of January 2023.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
Savannah Perez, Deputy



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