

2012 DEC 21 PM 1:16 NOTICE AND DIGEST

ORDINANCE AMENDING AND RESTATING OAKLAND MUNICIPAL CODE CHAPTER 8.10 TO PROVIDE COMPREHENSIVE ENFORCEMENT OF VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI) THROUGH OAKLAND AND STATE LAW, ESTABLISHING NEW REMEDIES AGAINST VIOLATORS, PROVIDING FOR RESTORATIVE JUSTICE FOR OFFENDERS, A FUND FOR REWARDS AND TO ASSIST VICTIMS, AND INCORPORATING STATE LAW ALLOWING FOR LIENS AGAINST PROPERTY OF OFFENDERS

This ordinance would completely revise Oakland Municipal Code provisions relating to vandalism of property by defacement--also referred to as "graffiti." The ordinance does not address graffiti as a form of art, but rather deals with unpermitted defacement of public and private property. The ordinance would establish new fines and other remedies against those committing the vandalism, including administrative and civil penalties. It would also allow the city or a victim property owner to recover all costs relating to the vandalism, including attorney's fees, and possibly punitive damages. It further sets up alternatives for restorative justice or community service in lieu of penalties. It classifies this type of vandalism as a public nuisance. The ordinance further permits the city Council to set up a reward fund to identify vandals and to assist victims. In addition, the ordinance incorporates various state law provisions allowing for additional penalties and liens against the property of those committing the vandalism. The ordinance would continue existing restrictions on selling graffiti-type implements to minors and requirements of property owners to remove graffiti.