

IVCSD Graffiti Abatement Policy (Phase 1)

PURPOSE:

In its mission to improve the health, safety, and welfare of the Isla Vista community and its residents, consistent with its power and authority as provided by law, the Isla Vista Community Service District (“District”) recognizes that graffiti has a negative impact upon the nature, quality of life, and appearance of the District and its community. Additionally, the District understands and appreciates the extensive tradition of murals and public artwork on buildings in the community, and wishes to continue to respect this tradition while simultaneously addressing unwanted graffiti.

Accordingly, this policy establishes the process and procedure for the identification of graffiti and the enforcement of Phase 1 of the Graffiti Abatement Program within the boundaries of the District (“Policy”).

A. Definitions

This Policy shall use the following definitions. Words not defined herein shall be interpreted according to their ordinary meaning as the context may require.

- a. “Fine Art” shall have the same definition as California Civil Code section 987, but shall also include Murals, and shall not include Graffiti.
- b. “Graffiti” shall mean unwanted marking of property, typically but not exclusively accomplished via use of paint, permanent marker, paint pen, and other instruments designed to leave a permanent or semi-permanent mark on a surface. Graffiti does not include Fine Art or Murals.
- c. “Immediately Adjacent” shall mean directly abutting, next to, directly upon a property line with the Public Right of Way, or otherwise directly accessible from the Public Right of Way without making contact with Private Property other than the wall, fence, or other surface/item which is the subject of the abatement.
- d. “Mural(s)” shall mean any intentionally created work of expression located on any the side of a structure sited on Private Property.
- e. “Private Property” shall mean all property within the boundaries of the District that is not part of the Public Right of Way.
- f. “Property Manager” shall mean the person or corporate entity which, by contract or other agreement with the property owner(s), has been provided authority and control over maintaining the condition of Private Property.
- g. “Public Right of Way” means all public property within the boundaries of the District, excluding property owned, maintained, and/or controlled by the County of Santa Barbara, the Regents of the University of California, and any other public entity with which the District does not have a written agreement for graffiti abatement services.

- h. “Staff” means employees, contractors, agents, volunteers, and/or interns of the District.

B. Inventory of Fine Art and Murals

- a. District staff will develop and maintain an inventory of Fine Art and Murals of sufficient detail to allow for easy identification and in order to avoid unintentional abatement.

C. Identification of Graffiti

- a. Graffiti will be brought to the attention of the District primarily through one of two avenues: staff identification or public identification. In either case, the report of Graffiti will be documented by District staff.
 - i. For staff identification, the location of the Graffiti, the date, the time of identification, and the staff member’s name and position should be documented.
 - ii. For public identification, the location of the Graffiti, the date, the time of identification, and the reporter’s name, residence, and contact information should be documented. If the reporter wishes to remain anonymous, they may do so. Any information communicated in confidence shall be maintained as confidential in accordance with public disclosure requirements under California law, including provisions of the Public Records Act. Resident identification shall include reports made via the See-Click-Fix application.
- b. If the identified Graffiti is in the Public Right of Way or Immediately Adjacent, District staff may proceed directly to the issuance of a Graffiti abatement work order.
- c. If the identified Graffiti is on Private Property, District staff will determine whether consent has been provided by the Private Property owner/Property Manager. If so, District staff may proceed directly to the issuance of a Graffiti abatement work order.
- d. If the identified Graffiti is on Private Property, but consent has not been provided by the Private Property owner/Property Manager, then District staff shall follow each step in the program listed below, from Section D through Section F.

D. Notice of Violation

- a. Once Graffiti has been correctly identified, the District will begin the abatement process through the issuance of a courtesy notice of violation.
- b. The District will send a notice of violation to all property owners and, where applicable, the Property Manager, detailing the location of the Graffiti. A notice of violation shall not be sent to any tenant. The notice of violation will explain the nature of the violation, the rights of the property owner and/or Property Manager, as well as the obligation to abate the Graffiti within a reasonable amount of time not to exceed thirty (30) calendar days. The notice will indicate that the property owner(s) and/or Property Manager can contact the District to organize abatement by the District at District expense.
- c. District staff will calendar the deadline for compliance when the notice of violation is sent.

E. Preliminary Assessment

- a. During the notice period, District staff will conduct a preliminary assessment of the identified Graffiti to determine the actual location and the necessary remediation type.
- b. District staff will make a determination of the applicable remediation type, including but not limited to the following:
 - i. Match background color and paint over.
 - ii. Re-paint entire surface.
 - iii. Address Graffiti on Mural or Fine Art.
- c. If District staff determine that the Graffiti overlaps any portion of Fine Art they will do the following:
 - i. Attempt to identify the creator, or their successor, of the Fine Art and secure their written consent to modify the Fine Art in order to remove the Graffiti.
 - ii. If the creator, or their successor, cannot be located or they refuse to provide written consent to modify the Fine Art, the Graffiti will only be abated to the extent determined by District staff that the Graffiti can be removed without materially affecting the Fine Art. Any Graffiti remaining on the Fine Art thereafter shall remain unabated until such time as may be determined by the General Manager.
- d. Prior to expiration of the notice period, District staff shall calculate an estimated remediation cost and transmit in writing the estimated cost to the Private Property owner/Property Manager, along with a consent form, to permit abatement of the Graffiti by the District at District expense.

F. Private Property Abatement & Compliance

- a. If by the end of the initial notice and compliance period abatement has not been achieved, District staff shall issue subsequent notices of violation until compliance is achieved.
- b. After expiration of the third and final compliance period, District staff shall contact the General Manager, or their designee, for direction on how to achieve compliance.