



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2007</u>	<u>20 08</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	---	---	---	---	---
Operating Costs	---	---	---	---	---
External Revenues	---	---	---	---	---
Program Income (County)	---	---	---	---	---
In-Kind Match (County)	---	---	---	---	---
<b>NET FISCAL IMPACT</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

# ADDITIONAL FTE POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:** At this time there is no Fiscal Impact. However, this could ultimately result in a fiscal impact if the ordinance is approved and fines or County intervention becomes necessary.

**C. Departmental Fiscal Review:** Pat Diggs

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

Elizabeth Boese N/A  
 11/16/06 OFMB Contract Dev. and Control

**B. Legal Sufficiency:**  
[Signature] 11/21/06  
 Assistant County Attorney

**C. Other Department Review:**  
 \_\_\_\_\_  
 Department Director

1           **AN ORDINANCE OF THE BOARD OF COUNTY**  
2           **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO**  
3           **BE KNOWN AS THE GRAFFITI ORDINANCE; PROVIDING**  
4           **FOR APPLICATION; PROVIDING FOR DEFINITIONS;**  
5           **PROVIDING FOR PROHIBITION OF GRAFFITI AND**  
6           **PENALTIES; PROVIDING FOR REMOVAL OF GRAFFITI;**  
7           **PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL**  
8           **OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN**  
9           **THE CODE OF LAWS AND ORDINANCES; AND PROVIDING**  
10          **FOR AN EFFECTIVE DATE**

11  
12          **WHEREAS**, the Board of County Commissioners desire to promote a clean, safe and  
13          orderly community for its residents;

14  
15          **WHEREAS**, graffiti aids the creation of blight within the unincorporated areas of Palm  
16          Beach County;

17  
18          **WHEREAS**, the existence of blight in the unincorporated areas of Palm Beach County  
19          directly conflicts with the Board of County Commissioner's goals for a clean, safe and  
20          orderly community for the safety and welfare of its residents;

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22          **WHEREAS**, the State Legislature in Section 806.13(9), Florida Statutes, recognizes  
23          the difficulty of confronting the blight of graffiti and authorizes counties to establish  
24          ordinances prohibiting the marking of graffiti;

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26          **WHEREAS**, in aid of its desire for a clean, safe and orderly community for its residents,  
27          the Board of County Commissioners desires to prohibit graffiti within the unincorporated  
28          areas of Palm Beach County.

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30          **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
31          **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

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33          **Section 1. Application.**

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35          This article shall be applicable in the unincorporated areas of Palm Beach County.  
36          Enforcement of the provisions of this section will be the responsibility of the Palm Beach  
37          County Sheriff's Department, the Palm Beach County Code Enforcement Division, and  
38          any other person(s) designated by the Palm Beach County Board of County  
39          Commissioners.

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41          **Section 2. Definitions.**

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43          For the purposes of this article the following terms apply:

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45                  *Corrective action* shall mean an act, or taking the necessary initial steps, required  
46          to remove or effectively obscure **graffiti**. This includes, but is not limited to,  
47          sandblasting, washing, chemical treatment, or painting.

48  
49                  *Graffiti* shall mean any writing, drawing, painting, inscription, figure, or mark of  
50          any type on any structure, public or private, or any other property, real or personal, that  
51          has been made without the consent of the owner of the property. For purposes of this  
52          code, graffiti shall not include chalk or other temporary markings made on sidewalks for  
53          the purpose of conducting temporary leisure activities, including but not limited to  
54          hopscotch.

55  
56                  *Owner* shall mean any and all person(s) with legal or equitable title to real  
57          property in Palm Beach County as his or her (their) name(s) and address (es) is (are)  
58          shown upon the tax rolls of Palm Beach County. This definition shall also include an  
59          owner's tenant, agent, manager, or operator of the real property.

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1 **Section 3. Prohibition of Graffiti and penalties.**

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- 3 (a) No person shall write, paint, or draw any inscription, figure, or mark of any type
- 4 on any public or private building or structure or other real or personal property
- 5 owned, operated or maintained by a governmental entity or any agency or
- 6 instrumentality thereof or by any person, firm, or corporation, unless the express
- 7 prior written permission of the owner, owner's agent, manager or operator of the
- 8 property has been obtained and filed with the Palm Beach County Code
- 9 Enforcement Division. No filing is required if the owner, owner's agent,
- 10 manager, or operator of the property has obtained a valid sign permit in
- 11 accordance with other pertinent law.
- 12
- 13 (b) Fines; imprisonment. At the discretion of the court, any person violating this
- 14 section may be punished by a fine of up to two hundred fifty dollars (\$250.00) for
- 15 the first offense, five hundred dollars (\$500.00) for the second offense, or by
- 16 imprisonment in the county jail for a term not to exceed sixty (60) days, or by
- 17 both fine and imprisonment.
- 18
- 19 (c) Restitution. In addition to any punishment listed in subsection (b), the court may
- 20 order any violator to make restitution to the victim for damages or loss caused
- 21 directly or indirectly by the defendant's offense in the amount or manner
- 22 determined by the court.
- 23
- 24 (d) In the case of a minor, the parents or legal guardian shall be jointly and severably
- 25 liable with the minor for the payment of all fines and restitution. Such liability
- 26 will be in addition to the liability imposed by § 741.24, F.S., as amended.
- 27 (1) Upon a failure of the parent(s) or legal guardian(s) to make payment, a
- 28 certified copy of the order shall be recorded in the public records of Palm
- 29 Beach County, resulting in the imposition of a lien on the real and personal
- 30 property of the parent(s) or legal guardian(s) for the amount of the fine and/or
- 31 restitution and administrative costs.
- 32
- 33 (2) Upon an application and finding of indigency, the court may decline to order
- 34 fines against the minor or parent(s) or legal guardian(s).
- 35
- 36 (e) Community service. In addition to any punishment listed in subsection (b), or
- 37 restitution ordered under subsection (c), the court may order any violator to
- 38 perform monitored community service of not less than forty (40) hours.
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40 **Section 4. Removal of Graffiti.**

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- 42 (a) It shall be unlawful for the owner of any private real or personal property,
- 43 including structures or improvements, to permit graffiti or other inscribed material
- 44 to remain within the unincorporated area of the County, providing that the County
- 45 has given the property owner or the property owner's agent, manager, or operator
- 46 written notice to take corrective action within ten (10) calendar days from receipt
- 47 or posting of the notice. Notice shall be provided in compliance with Article 10,
- 48 Chapter B of the Palm Beach County Unified Land Development Code.
- 49
- 50 (b) In the event corrective action has not been taken by the property owner to remove
- 51 the **graffiti** or other inscribed material within the ten (10) day period, the County
- 52 may bring enforcement action pursuant to Article 10, Chapter B of the Palm
- 53 Beach County Unified Land Development Code. Such enforcement action may
- 54 include the imposition of a fine, lien, and/or taking of corrective action pursuant
- 55 to 162.09, F.S.
- 56
- 57 (c) The County shall have the right to enter upon private property to the extent
- 58 necessary to take corrective action. Entry into any dwelling or structure is
- 59 expressly prohibited.
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1 **Section 5. Severability**

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3 The provisions of this Ordinance are declared to be severable and if any section,  
4 sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or  
5 unconstitutional, such decision shall not affect the validity of the remaining sections,  
6 sentences, clauses and phrases of this Ordinance but shall remain in effect, it being the  
7 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
8 part.

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10 **Section 6. Repeal of Laws in Conflict.**

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12 All laws and ordinances in conflict with any provisions of this ordinance are hereby  
13 repealed to the extent of such conflict.

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15 **Section 7. Inclusion in Code of Laws and Ordinances**

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17 The provisions of this Ordinance shall become and be made part of the Code of Laws and  
18 Ordinances of Palm Beach County, Florida, and the Sections of this Ordinance may be  
19 renumbered or re-lettered to accomplish such intention, and the words "section" or  
20 "subsection" may be changed.

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22 **Section 8. Effective Date**

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24 The provisions of this Ordinance shall become effective upon filing with the Secretary of  
25 State.

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27  
28 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
29 County, Florida, on this \_\_\_\_\_ of \_\_\_\_\_, 2007.

30  
31  
32 SHARON R. BOCK, CLERK AND  
33 COMPTROLLER  
34 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY  
ITS BOARD OF COUNTY COMMISSIONERS

35  
36  
37 By: \_\_\_\_\_  
38 Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chairperson

39 APPROVED AS TO FORM AND  
40 LEGAL SUFFICIENCY

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42  
43 By: \_\_\_\_\_  
44 County Attorney

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