

CITY OF HAWAIIAN GARDENS

ORDINANCE NO. 368

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 6.36, SECTIONS 6.36.010, 6.36.020 AND 6.36.030 AND ADDING SECTION 6.36.040 PERTAINING TO REMOVAL OF GRAFFITI FROM PUBLIC OR PRIVATE PROPERTY.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

SECTION 1 . Chapter 6.36, Section 6.36.010, 6.36.020, 6.36.030 and 6.36.040 are hereby amended and added to read in their entirety as follows:

6.36.010. GRAFFITI. The City Council does hereby find and determine that the writing, spraying, scratching or otherwise affixing graffiti or other inscribed materials on permanent structures located on public or privately owned real property without the consent or permission of the owner thereof is a public nuisance and obnoxious for the following reasons:

A. As defined in Section 1410.5(a) of the California Evidence Code graffiti consists of written words, insignia, symbols or other markings which convey a particular meaning and placed on said structures without the permission of the owner.

B. Such markings are often placed on said structures by gangs to indicate ownership or control over a certain area for criminal or other purposes and encourage gang warfare and other acts of violence which is detrimental to the public health, safety and welfare of persons residing in the community and the area.

C. Such markings without the permission of the owner are destructive of publicly or privately owned property and cause a depreciation in the value thereof.

D. Such markings result in blight and deterioration of property and business values in the community and lead to economic loss and the destruction of property in general.

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6.36.020 REMOVAL OF GRAFFITI. The City Administrator is hereby authorized to use public funds and facilities for the removal of any of the aforementioned described graffiti as provided to and subject to the provisions of Section 53069.3 of the Government Code of the State of California.

6.36.030 REWARD LEADING TO THE APPREHENSION OF VANDALS The City Council may by resolution offer and pay a reward for information leading to the determination and identity of, and the apprehension or conviction, of any person whose willful misconduct results in the damage to property be reason of inscribing thereon graffiti as herein defined. Any person who has willfully damaged property by inscribing thereon graffiti as herein set forth shall be liable for the amount of any reward paid pursuant to this chapter and Section 53069.5 of the California Government Code, and if he or she is an unemancipated minor, his parent or guardian shall be liable for that amount.

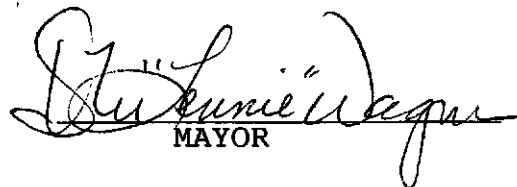
6.36.040 VANDALISM DAMAGES The City Administrator is authorized to provide any court finding any person guilty of the act of vandalism as defined in Section 594 of the California Penal Code that the City has an ordinance wherein the City Council has authorized the City Administrator or his agent to clean up and repair the property damaged by the act of vandalism and the cost to the city of doing that cleanup and repair and to further request that the court order the person convicted of the vandalism to pay the city for said cost to repair pursuant to Section 594 of the California Penal Code.

SECTION 2. The City Council hereby declares it would have passed this ordinance sentence by sentence, paragraph by paragraph and section by section, and does hereby declare that the provisions of this ordinance are severable, and if, for any reason, any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 3. Effective date. This ordinance shall take effect thirty days after its adoption. The City Clerk, or her duly appointed Deputy, shall certify to the adoption of this ordinance and shall cause this ordinance to be published as required by law.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ON THIS 22nd DAY OF May 1990.

ATTEST:


MAYOR


CITY CLERK

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 368 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 22nd day of May, 1990, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Sher, Navejas, Flores, Ruggeri, Wagner
NOES: None
ABSENT: None
ABSTAIN: None


CITY CLERK

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 4,

all in the year 19__90__.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this _____

4th day of

June, 19__90__

E M Brown

Signature

Press-Telegram

Legal Advertising Department
604 Pine Avenue, Long Beach, CA 90844
(213) 499-1236

This space is for the County Clerk's Filing Stamp

Proof of Publication of

CITY OF HAWAIIAN GARDENS

ORDINANCE #368

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THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

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PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ON THIS 22nd DAY OF MAY, 1990.

H. M. "LENNIE" WAGNER
Mayor

ATTEST
CAROL J. DORFMEYER
City Clerk

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance NO. 368 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 22nd day of May, 1990, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Sher, Navejas, Flores, Ruggieri, Wagner
NOES: None
ABSENT: None
ABSTAIN: None

CAROL J. DORFMEYER
City Clerk

Pub. June 4, 1990 (14) PT (329038-Govt.)

FILED 6/10/90