

CITY OF HAWAIIAN GARDENS

ORDINANCE NO. 414

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS REPEALING CHAPTERS 6.36 AND 6.40 OF THE HAWAIIAN GARDENS MUNICIPAL CODE AND ADDING CHAPTER 6.36 RELATING TO THE PREVENTION, PROHIBITION, AND REMOVAL OF GRAFFITI.

MEMBERS OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapters 6.36 and 6.40 are hereby repealed.

SECTION 2. Chapter 6.36 of the Hawaiian Gardens Municipal Code is hereby added to read as follows:

Sections:

6.36.010 Graffiti Prevention, Prohibition and Removal; Purpose and Intent
6.36.020 Definitions
6.36.030 Graffiti Prohibition
6.36.040 Possession of Graffiti Implements
6.36.050 Graffiti Implements - Public Area
6.36.060 Graffiti Implements - Minors
6.36.070 Nuisance
6.36.080 Removal of Graffiti
6.36.090 Reward
6.36.100 Display for Sale
6.36.110 Violations

6.36.010 Graffiti Prevention, Prohibition and Removal; Purpose and Intent. The purpose of this section is to help prevent the spread of graffiti and to establish a program for its removal from public and private property. The spread of graffiti on both public and private buildings, structures, or places causes blight within the City which results in a deterioration of property and business values for adjacent and surrounding properties, all to the detriment of the City. The City Council finds and determines that graffiti is obnoxious and a public nuisance which must be abated to avoid the detrimental impact of graffiti on the City and to prevent the further spread of graffiti. The City Council further finds that the application of graffiti, as defined in Section 6.36.020, is willful misconduct which damages or destroys property. Government Code Section 53069.3 permits the use of City funds to remove graffiti from public or privately owned permanent structures located on public or privately-owned real property in the City.

6.36.020 Definitions.

Graffiti means any unauthorized inscription, work, figure, or design that is marked, etched, scratched, drawn, or painted on any surface of public or private buildings, structures, and places.

Aerosol Paint Container means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

Felt Tip Marker means any indelible marker or similar implement with a tip, which is greater than one-eighth (1/8) inch, at its broadest width containing an ink that is not water soluble.

Paint Graffiti Stick means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance that is not water soluble and is capable of being applied to a surface by pressure, and upon application, leaving a mark.

Lot means a lot, parcel, tract, premises, or piece of land, improved, or unimproved, in the City.

Owner as used in the section, means any person so designated on the last equalized assessment roll, and also any person having, or claiming to have, any legal, or equitable, interest in the premises.

Graffiti Implement means a marking pen with a tip exceeding four (4) millimeters in width containing anything other than a solution which can be removed with water after it dries; a paint stick; any spray container containing any fluid which will leave a permanent mark after it dries; other than an aerosol container of paint; or a deodorant stick, or a deodorant roll-on, which has been modified with an opaque colorant..

6.36.030 Graffiti Prohibition. It is unlawful for any person to paint, chalk, etch, or otherwise apply graffiti on public or privately-owned buildings, permanent structures, or places located on public or privately-owned property within the City.

6.36.040 Possession of Graffiti Implements. No person shall have in his or her possession any graffiti implement while in any public park, public playground, public swimming pool, public recreational facility, or any public right-of-way in the City. This Section shall not apply to authorized employees of the City of Hawaiian Gardens, or authorized employees of any individual, agency, or company under contract with the City.

6.36.050 Graffiti Implements - Public Area. It is unlawful for any person to carry on his or her person and in plain view to the public a graffiti implement while in any posted public facility, park, playground, swimming pool, or recreational area, other than a highway, street, alley or way, unless he or she has first received valid authorization from the governmental entity which has jurisdiction over the public area. As used in this section, "posted" means a sign placed in a reasonable location or locations stating it is a misdemeanor to possess a graffiti implement in such a public facility, park, playground, swimming pool, or recreational area without valid authorization, as per California Penal Code 594.1 (d).

6.36.060 Graffiti Implements - Minors. It is unlawful for any person under the age of eighteen (18) years to possess a graffiti implement for the purpose of defacing property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is not in any automobile, vehicle, or other conveyance.

6.36.070 Nuisance. The existence upon any lot of graffiti is expressly declared to be a public nuisance, and it shall be the duty of both the owner of the lot, and any person who may be in possession, or who has a right to such possession, to at all times keep such a lot clean and free from graffiti.

6.36.080 Removal of Graffiti. Graffiti may be removed by any of the following methods:

a. Any person applying graffiti within the City shall have the duty to remove the same within twenty-four (24) hours after notice by the City of the public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of the Section. Where graffiti is applied by an minor, his parent(s) or legal guardian(s) shall be responsible for such removal or for the payment thereof.

b. Whenever the City Administrator, or his designated representative, determines that graffiti is so located on public or privately-owned structures on public or privately-owned real property within this City so as to be capable of being viewed by a person utilizing any public right-of-way in this City, the City Administrator, or his designated representative, is authorized to provide for the removal of the graffiti solely at the City's expense, without reimbursement from the property owner upon whose property the graffiti has been applied upon the following conditions:

1. In removing the graffiti, the painting and/or repair of an area more extensive than where the graffiti is located shall not be authorized, except where the structure or property is City-owned and the City Administrator, or his designee, determines that a more extensive area is to be repainted and/or repaired, or where the private property owner, or other public entity owner, agrees to pay for the costs of repainting and/or repairing a more extensive area.
2. Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of the public entity having jurisdiction over the structure and releases of the City from liability.
3. When a structure is privately owned, the removal of graffiti by City forces or by a private contractor under the direction of the City may be authorized only after securing the written consent of the owner and release of the City from liability.

c. At the City's option, or if a private property owner's consent cannot be obtained, graffiti which is located on privately-owned permanent structures on privately-owned real property within the City and which can be viewed by a person utilizing any public right-of-way in the City may be removed by the City at the owner's expense as a public nuisance pursuant to the following provisions:

1. The City Administrator, or his designated representative, shall cause written notice to be served upon the owner of the affected premises, as such owner's name and address appears on the last equalized assessment roll, by depositing the notice in the U.S. Postal Service enclosed in a sealed envelope with first-class postage thereon fully prepaid. The mailed notice shall be certified and addressed to the owner as stated above, and if there is no known address, then in care of the property address. Service shall be complete at the time of deposit in the U.S. Postal Service. The failure of any person to receive such notice shall not affect the validity of any preceding hereunder. The owner shall have five (5) days after the date of service of the notice to remove the

graffiti or be subject to City removal of the graffiti and assessment of the costs of such removal as a lien on the subject property.

2. The notice shall be on City letterhead in substantially the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over the graffiti located on the property commonly known as , Hawaiian Gardens, California, which is visible to public view, within five (5) days after the date of this notice. The graffiti is visible to public view, within five (5) days after the date of this notice. The graffiti is visible to public view and, therefore, constitutes a public nuisance. If you fail to comply with this order, City employees, or private City contractors, will enter upon your property and abate the public nuisance by the removal or painting over of the graffiti. The cost of the abatement by the City employees, or its private contractors, will be assessed upon your property and such costs will constitute a lien upon the land until paid.

All persons having any objections to, or interest in, said matters are hereby notified to submit any objections to the City Administrator, or his designated representative, within five (5) days from the date of this notice.

At the conclusion of this five (5) day period, the City may proceed with the abatement of the graffiti on your property at your expense without further notice.

3. Service of the notice by the City Administrator, or his designated representative, shall be made on the day the notice is dated and by affidavit, the original of which shall be filed with the City Clerk.
4. If any objections are submitted to the City Administrator within five (5) days after the date appearing on the Notice of Intent to Remove Graffiti, the City Administrator, or his designee, shall hold a hearing on the objections. If the City Administrator overrules his objections, the owner shall have five (5) days from the date of the City Administrator's decision to remove the graffiti. The owner may appeal the City Administrator's decision to the City Council. The City council shall hold a hearing as soon as reasonable practical. Its decision shall be final.
5. If no objections are submitted as set forth in No. 4 above, or if the objections are overruled following the hearing, and if the owner fails to remove or fails to cause the graffiti to be removed by the designated date, or such continued date thereafter as the City Administrator, or his designated representative, approves, then the City Administrator, or his representative, shall cause the graffiti to be abated by City forces or private contract, and the City, or its private contractor, is expressly authorized to enter upon the premises for such purposes.
6. Should the City Administrator be required to abate the graffiti as set forth in No. 5. above, he shall thereafter follow the procedures set forth regarding the recovery of costs of abatement, through assessment of the costs of abatement against the property as a lien. The notice of lien for purposes of this Section shall be in substantially the following form:

NOTICE OF LIEN

(Claim of the City of Hawaiian Gardens)

Pursuant to Government Code Section 25848 and the authority of Section 6.36.050 of the Hawaiian Gardens Municipal Code, the City Administrator of the City of Hawaiian Gardens did on or about _____ day of _____, 19____, cause the painting over or removal of graffiti at the premises hereinafter described to abate a public nuisance on said real property; and the City Administrator of the City of Hawaiian Gardens did on the _____ day of _____, 19____, assess the cost of such abatement upon the real property hereinafter described; and the same has not been paid, nor any part thereof; and that said City of Hawaiian Gardens does hereby claim a lien for such costs of abatement in the amount of said assessment, to wit: the sum of _____ dollars; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Hawaiian Gardens, County of Los Angeles, State of California and particularly as follows:

(description)

Dated this _____ day of _____, 199____.

City of Hawaiian Gardens, California

Title of Authorized Signature

City Administrator, City of Hawaiian Gardens,
California

6.36.090 Reward. Pursuant to Government Code Section 53069.5, the City Council may, by resolution, establish a reward for information leading to the identification, apprehension, or conviction of any person who places graffiti upon any public or private property in the City. In the event of damage to public property, said resolution may require that the convicted offender reimburse the City for any reward paid, and may place responsibility for reimbursement of such reward upon the parent(s) or legal guardian(s) of any unemancipated minor so convicted.

6.36.100 Display for Sale. On and after _____, 1993, every person who owns, conducts, operated, or manages a retail commercial establishment selling aerosol containers, or marker pens with tips exceeding four (4) millimeters in width, containing anything other than a solution which can be removed with water after it dries, or paint sticks, shall store or cause such aerosol containers, marker pens, or paint sticks, to be stored in an area viewable by, but not accessible to the public in the

regular course of business without employee assistance, pending legal sale or disposition of such marker pens, paint containers, or paint sticks.

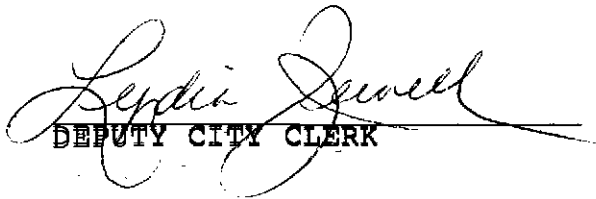
6.36.110 Violations. In addition to other penalties under State law which may be applicable, any violation of this Chapter shall be a misdemeanor offense punishable by either six (6) months in jail, a \$1,000.00 fine, or both such fine and imprisonment.

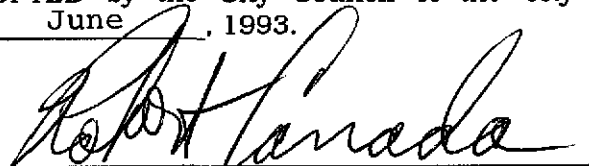
SECTION 3. Severability. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. This City Council declares that it would have adopted this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, sub-sections, sentences, phrases or clauses be declared invalid.

SECTION 4. 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 this 10th day of June, 1993.

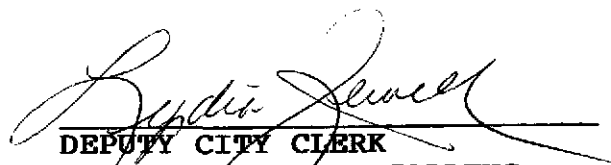
Attest:


DEPUTY CITY CLERK


ROBERT G. CANADA
MAYOR

I, Lydia Jewell, Deputy City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 414 was duly introduced and placed upon first reading at a regular meeting of the City Council on the 25th day of May, 1993, and that thereafter, said ordinance was duly passed and adopted by the City Council of the City of Hawaiian Gardens on the 10th day of June, 1993, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Ruggeri, Navejas, Cabrera, Prida, Canada
NOES: None
ABSENT: None
ABSTAIN: None


DEPUTY CITY CLERK
CITY OF HAWAIIAN GARDENS

NOTICE OF PROPOSED AMENDMENT TO AN EXISTING ORDINANCE

CITY OF HAWAIIAN GARDENS

SUMMARY OF ORDINANCE NO. 414

AN ORDINANCE OF THE CITY HAWAIIAN GARDENS REPEALING CHAPTERS 6.36 AND 6.40 OF THE HAWAIIAN GARDENS MUNICIPAL CODE AND ADDING CHAPTER 6.36 RELATING TO THE PREVENTION, PROHIBITION, AND REMOVAL OF GRAFFITI.

The Hawaiian Gardens Municipal Code is proposed to be amended by Repealing Chapters 6.36 and 6.40 in their entirety, and adding Chapter 6.36 to include the following provisions:

1. Graffiti prevention, prohibiting and removal of graffiti on public and private property.
2. Provides definitions relating to graffiti prevention and devices used.
3. Unlawful for any person to apply graffiti on public or privately owned buildings, etc.
4. Unlawful for any person to carry on his/her person in plain view to the public a graffiti implement while in any posted public areas.
5. Unlawful for any person under eighteen (18) years of age to possess graffiti implements for the purpose of defacing property.
6. Declares existence upon any lot of graffiti as a public nuisance and it shall be the duty of the owner to keep the lot clean and free from graffiti.
7. Sets forth method of removal of graffiti from public and private places and outlines proper notices that must sent to owners of property with graffiti and provides a lien procedure for failure of property owner to comply.
8. Establishes a reward for information leading to the identification, apprehension, or conviction of any person who place graffiti upon any public or private property in the City.
9. Prohibits the retail display of aerosol containers, or marker pens with tips exceeding four (4) millimeters in width as well as other implements that may not be displayed.
10. Sets violation penalties under State law which may be applicable.

The above is a summary of major highlights of the ordinance pursuant to Government code Section 36933 (c) (1); a reading of the entire ordinance is necessary to obtain a full understanding of all changes proposed. A certified copy of the text of this ordinance is available and may be read in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Gardens, California and/or a copy may be purchased from the City Clerk's Office based on City 's actual cost.

Summary was prepared by the City Clerk of the City of Hawaiian Gardens.

Ordinance No. 414 will be heard by the Council and considered for adoption at the regular meeting of June 8, 1993.


CAROL J. DORFMEYER, CITY CLERK
CITY OF HAWAIIAN GARDENS

ATTEST:

LYDIA G. JEWELL

I, Lydia G. Jewell, Deputy City Clerk of the City of Hawaiian Gardens, County of Los Angeles, State of California, do hereby certify that at an adjourned meeting of the Hawaiian Gardens City Council held June 10, 1993, at which there were present Councilmembers Domenic Ruggeri, Kathleen M. Navejas, Lupe A. Cabrera, Mayor Pro tem Robert Prida, Mayor Robert Canada, and the Deputy City Clerk, the foregoing Ordinance No. 414 was considered section by section, and approved and adopted as a whole by the following vote:

AYES:	Councilmembers Ruggeri, Navejas, Cabrera Mayor Pro tem Prida, and Mayor Canada
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS WHEREOF, I have herunto set my hand and affixed the seal of the City of Hawaiian Gardens this 16th day of June, 1993.


Lydia G. Jewell, Deputy City Clerk

NOTICE OF PROPOSED AMENDMENT TO AN EXISTING ORDINANCE

CITY OF HAWAIIAN GARDENS

SUMMARY OF ORDINANCE NO. 414

AN ORDINANCE OF THE CITY HAWAIIAN GARDENS REPEALING CHAPTERS 6.36 AND 6.40 OF THE HAWAIIAN GARDENS MUNICIPAL CODE AND ADDING CHAPTER 6.36 RELATING TO THE PREVENTION, PROHIBITION, AND REMOVAL OF GRAFFITI.

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4. Unlawful for any person to carry on his/her person in plain view to the public a graffiti implement while in any posted public areas.
5. Unlawful for any person under eighteen (18) years of age to possess graffiti implements for the purpose of defacing property.
6. Declares existence upon any lot of graffiti as a public nuisance and it shall be the duty of the owner to keep the lot clean and free from graffiti.
7. Sets forth method of removal of graffiti from public and private places and outlines proper notices that must sent to owners of property with graffiti and provides a lien procedure for failure of property owner to comply.
8. Establishes a reward for information leading to the identification, apprehension, or conviction of any person who place graffiti upon any public or private property in the City.
9. Prohibits the retail display of aerosol containers, or marker pens with tips exceeding four (4) millimeters in width as well as other implements that may not be displayed.
10. Sets violation penalties under State law which may be applicable.

The above is a summary of major highlights of the ordinance pursuant to Government code Section 36933 (c) (1); a reading of the entire ordinance is necessary to obtain a full understanding of all changes proposed. A certified copy of the text of this ordinance is available and may be read in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Gardens, California and/or a copy may be purchased from the City Clerk's Office based on City 's actual cost.

Summary was prepared by the City Clerk of the City of Hawaiian Gardens.

Ordinance No. 414 will be heard by the Council and considered for adoption at the regular meeting of June 8, 1993.


CAROL J. DORFMEYER, CITY CLERK
CITY OF HAWAIIAN GARDENS

ATTEST:

LYDIA G. JEWELL

I, Lydia G. Jewell, Deputy City Clerk of the City of Hawaiian Gardens, County of Los Angeles, State of California, do hereby certify that at an adjourned meeting of the Hawaiian Gardens City Council held June 10, 1993, at which there were present Councilmembers Domenic Ruggeri, Kathleen M. Navejas, Lupe A. Cabrera, Mayor Pro tem Robert Prida, Mayor Robert Canada, and the Deputy City Clerk, the foregoing Ordinance No. 414 was considered section by section, and approved and adopted as a whole by the following vote:

AYES:	Councilmembers Ruggeri, Navejas, Cabrera Mayor Pro tem Prida, and Mayor Canada
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS WHEREOF, I have herunto set my hand and affixed the seal of the City of Hawaiian Gardens this 16th day of June, 1993.


Lydia G. Jewell, Deputy 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 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 legal 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 25,
all in the year 1993.

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

Dated at Long Beach, California, this
25th day of June, 1993.

Signature

Press-Telegram Legal
Advertising Department

604 Pine Ave., Long Beach, Ca., 90844
(310) 499-1236

This space is for the County Clerk's Filing Stamp

PROOF OF PUBLICATION OF

City of Hawaiian Gardens

NOTICE OF PROPOSED AMENDMENT TO AN EXISTING ORDINANCE

**NOTICE OF PROPOSED AMENDMENT
TO AN EXISTING ORDINANCE
CITY OF HAWAIIAN GARDENS
SUMMARY OF ORDINANCE NO. 414**

AN ORDINANCE OF THE CITY HAWAIIAN GARDENS REPEALING CHAPTERS 4.36 AND 6.40 OF THE HAWAIIAN GARDENS MUNICIPAL CODE AND ADDING CHAPTER 6.36 RELATING TO THE PREVENTION, PROHIBITION, AND REMOVAL OF GRAFFITI.

The Hawaiian Gardens Municipal Code is proposed to be amended by Repealing Chapters 6.36 and 6.40 in their entirety, and adding Chapter 6.36 to include the following provisions:

1. Graffiti prevention, prohibiting and removal of graffiti on public and private property.
2. Provides definitions relating to graffiti prevention and devices used.
3. Unlawful for any person to apply graffiti on public or privately owned buildings, etc.
4. Unlawful for any person to carry on his/her person in plain view to the public a graffiti implement while in any posted public areas.
5. Unlawful for any person under eighteen (18) years of age to possess graffiti implements for the purpose of defacing property.
6. Declares existence upon any lot of graffiti as a public nuisance and it shall be the duty of the owner to keep the lot clean and free from graffiti.
7. Sets forth method of removal of graffiti from public and private places and outlines proper notices that must sent to owners of property with graffiti and provides a lien procedure for failure of property owner to comply.
8. Establishes a reward for information leading to the identification, apprehension, or conviction of any person who place graffiti upon any public or private property in the City.
9. Prohibits the retail display of aerosol containers, or marker pens with tips exceeding four (4) millimeters in width as well as other implements that may not be displayed.
10. Sets violation penalties under State law which may be applicable.

The above is a summary of major highlights of the ordinance pursuant to Government Code section 36933 (c) (1); a reading of the entire ordinance is necessary to obtain a full understanding of all changes proposed. A certified copy of the text of this ordinance is available and may be read in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Gardens, California and/or a copy may be purchased from the City Clerk's Office based on City's actual cost.

Summary was prepared by the City Clerk of the City of Hawaiian Gardens.

Ordinance No. 414 will be heard by the Council and considered for adoption at the regular meeting of June 8, 1993.

CAROL J. DORMEYER, CITY CLERK
CITY OF HAWAIIAN GARDENS

ATTEST:
LYDIA G. JEWELL

I, Lydia G. Jewell, Deputy City Clerk of the City of Hawaiian Gardens, County of Los Angeles, State of California, do hereby certify that at an adjourned meeting of the Hawaiian Gardens City Council held June 10, 1993, at which there were present Councilmembers Domenic Ruggeri, Kathleen M. Navejas, Lupe A. Cabrera, Mayor Pro tem Robert Prida, Mayor Robert Canada, and the Deputy City Clerk, the foregoing Ordinance No. 414 was considered section by section, and approved and adopted as a whole by the following vote:

1993 JUN 25 JUL 2 9 1993 ESTHER M. SCHEER TRUSTEE SALE OFFI- PORATION AS AGENT CONVEYANCE COR- BY CAL-WESTERN RE- SAN DIEGO, CA 92112 T.D. SERVICE COMP	1993 JUN 25 JUL 2 9 1993 ESTHER M. SCHEER TRUSTEE SALE OFFI- PORATION AS AGENT CONVEYANCE COR- BY CAL-WESTERN RE- SAN DIEGO, CA 92112 T.D. SERVICE COMP
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AGENDA ITEM NO. 2 B

**A REPORT TO THE HONORABLE MAYOR
AND MEMBERS OF THE CITY COUNCIL
FROM THE OFFICE OF THE CITY ADMINISTRATOR**

REGULAR CITY COUNCIL MEETING OF JUNE 8, 1993

**SUBJECT: ORDINANCE NO. 414/SECOND READING/REPEALING
CHAPTER 6.36 AND 6.40 OF THE HAWAIIAN GARDENS
MUNICIPAL CODE AND ADDING CHAPTER 6.36 RELATING
TO THE PREVENTION AND PROHIBITION AND REMOVAL OF
GRAFFITI.**

DISCUSSION:

At the regular meeting of May 25, 1993, Council took action to waive further reading and introduce Ordinance No. 414. Ordinance No. 414 is before the Council for second reading and adoption.

COUNCIL ACTION:

Waive further reading and adopt Ordinance No. 414.

AGENDA ITEM NO. 2B

**A REPORT TO THE HONORABLE MAYOR AND COUNCILMEMBERS
FROM THE OFFICE OF THE CITY ADMINISTRATOR**

FOR THE REGULAR MEETING OF MAY 25, 1993

**SUBJECT: ORDINANCE NO. 414/FIRST READING/REPEALING CHAPTER 6.36
AND 6.40 OF THE HAWAIIAN GARDENS MUNICIPAL CODE AND
ADDING CHAPTER 6.36 RELATING TO THE PREVENTION AND
PROHIBITION AND REMOVAL OF GRAFFITI.**

DISCUSSION:

To strengthen the enforcement of existing City graffiti abatement Ordinances, staff has prepared Ordinance No. 414 which repeals Chapters 6.36 and 6.40 of the Municipal Code and adds Chapter 6.36 relating to the prevention, prohibition and removal of graffiti. Existing graffiti Ordinances address unsightliness and touch on use regulations and rewards. Ordinance No. 414 is considered to be more concise and specifically addresses in a broader range the prevention, prohibition, and removal of graffiti. Furthermore, Ordinance No. 414 has been prepared to include markers and/or other media used for graffiti.

Ordinance No. 414 is attached for your consideration.

STAFF RECOMMENDATION:

To effectively curb graffiti vandalism, staff recommends that Council waive further reading and introduce Ordinance No. 414.

COUNCIL ACTION:

Council is requested to waive further reading and introduce Ordinance No. 414.

PROOF OF PUBLICATION
(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,**

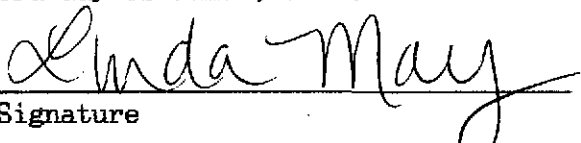
I am a citizen of the United States States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 7 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a legal 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 3,
all in the year 1993.

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

Dated at Long Beach, California, this
3rd day of June, 1993.


Signature

**Press-Telegram Legal
Advertising Department**

604 Pine Ave., Long Beach, Ca., 90844
(310) 499-1236

This space is for the County Clerk's Filing Stamp

**PROOF OF PUBLICATION OF
CITY OF HAWAIIAN GARDENS
NOTICE OF PROPOSED AMENDMENT TO AN EXISTING ORDINANCE**

**NOTICE OF PROPOSED AMENDMENT TO AN
EXISTING ORDINANCE
CITY OF HAWAIIAN GARDENS
SUMMARY OF ORDINANCE NO. 414
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- 2 . Provides definitions relating to graffiti prevention and devices used.
- 3 . Unlawful for any person to apply graffiti on public or privately owned buildings, etc.
- 4 . Unlawful for any person to carry on his/her person in plain view to the public a graffiti implement while in any posted public areas.
- 5 . Unlawful for any person under eighteen (18) years of age to possess graffiti implements for the purpose of defacing property.
- 6 . Declares existence upon any lot of graffiti as a public nuisance and it shall be the duty of the owner to keep the lot clean and free from graffiti.
- 7 . Sets forth method of removal of graffiti from public and private places and outlines proper notices that must be sent to owners of property with graffiti and provides a lien procedure for failure of property owner to comply.
- 8 . Establishes a reward for information leading to the identification, apprehension, or conviction of any person who place graffiti upon any public or private property in the City.
- 9 . Prohibits the retail display of aerosol containers, or marker pens with tips exceeding four (4) millimeters in width as well as other implements that may not be displayed.
10. Sets violation penalties under State law which may be applicable.

The above is a summary of major highlights of the ordinance pursuant to Government code Section 36933 (c) (1); a reading of the entire ordinance is necessary to obtain a full understanding of all changes proposed. A certified copy of the text of this ordinance is available and may be read in the City Clerk's Office at 21815 Pioneer Boulevard, Hawaiian Gardens, California and/or a copy may be purchased from the City Clerk's Office based on City's actual cost.

Summary was prepared by the City Clerk of the City of Hawaiian Gardens.

Ordinance No. 414 will be heard by the Council and considered for adoption at the regular meeting of June 8, 1993.
Carol J. Dorfmeier, City Clerk
City of Hawaiian Gardens

Pub. June 3, 1993 (1) PT(478979-Cov1)

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