

ORDINANCE NO. 2043

AN ORDINANCE OF THE CITY OF REDLANDS
ADDING CHAPTER 8.42 TO THE REDLANDS
MUNICIPAL CODE TO ABATE GRAFFITI

WHEREAS, the City Council of the City of Redlands ("this City Council") finds and determines that this City has a history and reputation for well-kept properties and that the values and general welfare of this Community are based in large part upon the appearance and maintenance of real property within the City; and

WHEREAS, this City Council finds and determines that graffiti on public and private property is a blighting factor which not only depreciates the value of the property which has been the target of such malicious vandalism, but also depreciates the value of the adjacent and surrounding properties, and in so doing negatively impacts the entire community; and

WHEREAS, this City Council further finds and determines that abatement of such conditions will enhance the appearance of and benefit the use and enjoyment of properties in the City, and appreciate the values and appearance of neighboring properties; and

WHEREAS, this City Council finds and determines that graffiti must be rapidly abated so as to avoid detrimental impacts on the public health, safety and welfare of the citizens of Redlands and to prevent the further spread of graffiti; and

WHEREAS, this City Council has been presented with information and expert opinion from its law enforcement officials that graffiti within the City is increasingly gang-related and gang-caused, and may be a useful method of communication within and between criminal gangs to the detriment of the public safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1: Chapter 8.42 is hereby added to the Redlands Municipal Code to read as follows:

"Chapter 8.42

GRAFFITI ABATEMENT PROCEDURE

8.42.010 Purpose and Intent. It is the purpose and intent of this Chapter to provide a procedure for removal of graffiti from walls and structures on both public and privately owned property in order to reduce blight and deterioration within the City and to protect the public safety.

The City finds and determines that graffiti is obnoxious and a public nuisance, as defined in Section 8.04.220, and must be abated to avoid the detrimental impact of such graffiti on the City and its residents, and to prevent the further spread of graffiti.

8.42.020 Definitions. Whenever the following terms are used in this Chapter, they shall have the meaning established by this section:

a. "Graffiti" means the unauthorized spraying of paint or marking of ink, chalk, dye or other similar substances on public and private buildings, structures and places.

b. "Graffiti abatement procedure" means an abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures in absence of response.

c. "Private contractor" means any person with whom the City shall have duly contracted to remove graffiti.

8.42.030 Graffiti Prohibited. No person shall place graffiti or other writing upon any public or privately owned permanent structure located on publicly or privately owned real property within the City of Redlands.

No person owning or otherwise in control of any real property within the City shall permit or allow any graffiti to be placed upon or remain on any permanent structure located

on such property when the graffiti is visible from the street or other public or private property.

8.42.040 Notice. Whenever the City Engineer determines that graffiti exists on any permanent structure in the City of Redlands which is visible from the street or other public or private property, the City Engineer shall cause a notice to be issued to abate such nuisance. The property owner shall have ten (10) days after the date of the notice to remove the graffiti, or the property will be subject to abatement by the City.

8.42.050 Service of Notice. The notice to abate graffiti pursuant to Section 8.42.040 shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of San Bernardino. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this Chapter may be served in any one of the following manners:

1. By personal service on the owner, occupant or person in charge or

control of the property.

2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address.

The notice shall be substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as _____, Redlands, California, which is visible to public view, within ten (10) days after the date of this notice: or, if you fail to do so, City employees or private contractors employed by the City will enter upon your property and abate the public nuisance by removal or painting over 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 objection to, or interest in said matters are hereby notified to submit any objections or comments to the City Engineer for the City of Redlands or his/her designated representative within ten (10) days from the date of this notice. At the conclusion of this ten (10) day period the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice."

8.42.060 Appeal. Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling such premises or lot affected may appeal to the City Council of the City of Redlands. At a regular meeting or regular adjourned meeting of the City Council not more than twenty days thereafter, the Council shall proceed to hear and pass upon such appeal. The decision of the Council thereupon shall be final and conclusive.

8.42.070 Removal by City. Upon failure of persons to comply with the notice by the

designated date, or such continued date thereafter as the City Engineer or his/her designated representative approves, then the City Engineer is authorized and directed to 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. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate graffiti shall be as close as practicable to background color(s).

8.42.080 Private Property Consent Forms. Property owners in the City of Redlands may consent in advance to City entry onto private property for graffiti removal purposes. The City will make forms for such consent available.

8.42.090 Public Property. 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 an authorized representative of the public entity having jurisdiction over the structure.

8.42.100 Record of Cost for Abatement.

The City Engineer shall keep an account of costs (including incidental expenses) of abating such nuisance on each separate parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement; provided, that before the report is submitted to the Council, a copy shall be served in accordance with the provisions of Section 8.42.050, together with a notice of time when the report shall be heard by the Council for confirmation.

- A. The City Council shall set the matter for hearing to determine the correctness and reasonableness of such costs.
- B. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the City in the preparation of notices, specifications and contracts and in inspecting the work, and the costs of printing and mailing required hereunder.

8.42.110 Report -- Hearing and Proceedings. At the time and place fixed for receiving and considering the report, the City Council shall hear and pass upon the report of such costs of abatement, together with any objections or protests. Thereupon, the City Council may make such revision, correction or modification in the report as it may deem just, after which, by motion, the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

8.42.120 Assessment of Costs Against Property. The total cost for abating such nuisance, as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the San Bernardino County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

- A. After such confirmation and recordation, a copy shall be filed with the assessor and tax collector of San Bernardino County, acting for the City, in order that said County officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or
- B. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.
- C. Such notice of lien for recordation shall be in form substantially as follows:

NOTICE OF LIEN

(Claim of City of Redlands)

Pursuant to the authority vested by the provisions of Section 8.42.070 of the Redlands Municipal Code, the City Engineer of the City of Redlands did, on or about the _____ day of _____, 19__, cause the painting over or removal of graffiti at the premises hereinafter described in order to abate a public nuisance on said real property; and the City Council of the City of Redlands 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 Redlands does hereby claim a lien on such costs of abatement in the amount of said assessment (the sum of \$_____); 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 in the City of Redlands, County of San Bernardino, State of California, and particularly described as follows:

(Description)

DATED: This _____ day of _____, 19__.

City Clerk of the City
of Redlands, California

8.42.130 Violation - Penalty. The owner, occupant or agent of any lot or premises within the City who shall permit or allow the existence of a public nuisance as defined in this Chapter, upon any lot or premises owned, occupied, or controlled by him, or who shall violate any of the provisions of the Chapter, shall be guilty of an infraction and upon conviction thereof, shall be subject to a fine not exceeding one hundred dollars for a first violation, a fine not exceeding two hundred dollars for a second violation of the same provision within one year, and a fine not exceeding five hundred dollars for each additional violation of the same provision within one year. An infraction is not punishable by imprisonment.

8.32.140 Limitation of Filing Judicial Action. Any owner, lessee, occupant, or other

interested person having any objections or feeling aggrieved at any proceeding taken on appeal by the City Council in ordering the abatement of any public nuisance under the provisions of this chapter, must bring an action to contest such decision within thirty days after the date of such decision of the City Council. Otherwise, all objections to such decision shall be deemed waived.

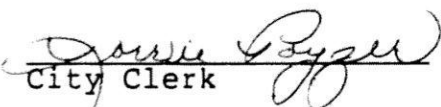
Section 2: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and it, or a summary of it, shall be published once in the Redlands Daily Facts, a newspaper of general circulation with the City and thereafter this ordinance shall take effect according to law.

ADOPTED this 2nd day of August, 1988.



Mayor, City of Redlands

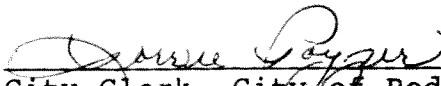
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 2nd day of August, 1988, by the following vote:

AYES: Councilmembers Wormser, DeMirjyn, Cunningham;
Mayor Beswick
NOES: None
ABSENT: Councilmember Johnson
ABSTAIN: None



City Clerk, City of Redlands