

ORDINANCE NO. 2261

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER
8.42 OF THE REDLANDS MUNICIPAL CODE RELATING TO GRAFFITI
ABATEMENT

WHEREAS, the City of Redlands has a history and reputation for well-kept properties, the values of which, and the general welfare of our community, are based in large part upon the appearance and maintenance of such properties; and

WHEREAS, the City Council of the City of Redlands ("this City Council") has determined that graffiti on public and private property is a blighting factor which not only depreciates the value of the property that 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 has found that graffiti must be rapidly abated to avoid its 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 may be a useful method of communication within and between criminal gangs to the detriment of the public safety; and

WHEREAS, it is the desire of this City Council to strengthen its present enforcement procedures for the abatement of graffiti within the City;

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

Section 1: Chapter 8.42 of the Redlands Municipal Code is hereby amended by the additions of Sections 8.42.140 through 8.42.180 to read as follows:

"8.42.140 Common Utility Colors

Any gas, telephone, water, sewer, cable, electrical and other utility operating in the City shall paint its freestanding, above-surface metal fixtures which are installed pursuant to City permit after the effective date of this Section, with a uniform paint type and color as directed by the City staff.

8.42.150 Conditions on Encroachment Permits

Encroachment permits issued by the City may, among other items, be conditioned on (1) the permittee applying an anti-graffiti material to the encroaching object or structure of a type and nature which is acceptable to the City staff; (2) the immediate removal by the permittee of any graffiti; (3) the right of the City to remove graffiti or to paint the encroaching object or structure; (4) the permittee providing the City with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.

8.42.160 Conditions on Discretionary Approvals

When approving any subdivision map, conditional use permit, variance, commission review and approval or other similar discretionary land use entitlement, the City may impose graffiti removal requirements as follows:

A. The applicant may be required to apply an anti-graffiti material or provide a landscape design of a type and nature which is acceptable to the City to such of the publicly viewable surfaces to be constructed on the site deemed to be likely to attract graffiti (hereinafter "Graffiti Attracting Surfaces");

B. The applicant may be requested to grant, in writing, a right of entry over and access to the property subject to the entitlement, upon 48 hours written notice, by authorized City employees or agents for the purpose of removing or "painting over" graffiti on Graffiti Attracting Surfaces. Such grant shall be made an express condition of approval and shall be deemed to run with the land;

C. The applicant, and his or her successors in interest, shall for a specified period of years after approval provide the City with sufficient matching paint and/or anti-graffiti material on demand for use in the painting over or removal of designated Graffiti Attracting Surfaces;

D. The applicant for a subdivision map shall, as part of any conditions, covenants and restrictions, covenant in a form satisfactory to the City, that the owners of the lots shall immediately remove any graffiti placed on publicly viewable trees and structures thereon to the City's satisfaction.

8.42.170 Reward

A. Pursuant to Section 53069.5 of the California Government Code, the City may offer a reward in an amount as may be set by resolution of the City Council for information leading to the arrest and conviction of any person for violation, within the City, of California Penal Code Sections 594 or 594.3 by the use of graffiti, Penal Code Sections 640,

640.5, 640.6 or the provisions of this Chapter. In the event of multiple contributions of information, the reward amount shall be divided by the City in the manner it deems appropriate. For the purposes of this Section, diversion of the violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

1. Claims for rewards under this Section shall be filed with the City. Each claim shall specifically identify the date, location and kind of property damaged or destroyed, identify by name the person who was convicted and identify the court and the date upon which the conviction occurred.

2. No claim for a reward shall be allowed by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this Section have been satisfied.

B. The person committing the graffiti-vandalism, and if such person is an unemancipated minor then the parent or lawful guardian of said minor, shall be civilly liable for any reward paid pursuant to this Section and the provisions of California Government Code Section 53069.5.

8.42.180 Violation - Penalty

Whenever appropriate, the City intends to petition a sentencing court to impose the following additional penalties upon conviction:

A. Litter or graffiti clean-up pursuant to California Vehicle Code Section 42001.7, upon conviction of a violation of California Vehicle Code Sections 23111, 23112 or 23113(a).

B. Suspension or delay of issuance of a driver's license pursuant to California Vehicle Code Section 13202.6 upon a graffiti-vandalism conviction.

C. Performance of community service, including graffiti removal service by any minor determined to be a ward of the court as a result of committing a vandalism-related offense in the City of Redlands, as provided in California Welfare and Institutions Code Sections 728 and/or 729.6.

D. Performance of community service, including graffiti removal service of up to 100 hours by any minor determined to be a ward of the court as a result of committing a drug-related offense in the City of Redlands, as provided in California Welfare and Institutions Code Section 729.8.

E. Any person who shall violate any provision of this Chapter shall be

guilty of a misdemeanor upon conviction thereof unless, upon the exercise of his or her prosecutorial discretion by the City Attorney, such violation is charged as an infraction.

F. Pursuant to California Civil Code Section 1714.1, any parent or legal guardian whose minor child is convicted of Malicious Mischief or Vandalism pursuant to California Penal Code Section 594, et seq., or convicted of a lesser crime that was related to or evolved directly from an act of graffiti-vandalism, shall be personally liable for any and all costs to any person or business incurred in connection with the removal of graffiti caused by said minor child, or by said graffiti implement, and for all law enforcement costs, City staff costs, attorneys' fees and court costs incurred in connection with the civil prosecution of any claims for damages or reimbursement up to the sum of \$10,000.

Section 2. Section 8.42.130 of the Redlands Municipal Code is hereby deleted in its entirety.

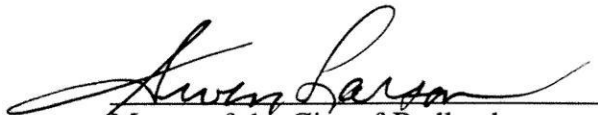
Section 3. Section 8.42.140 of the Redlands Municipal Code is hereby renumbered as Section 8.42.130.

Section 4. Severability

If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each remaining article, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more of the articles, sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 5. Notice of Adoption

The Mayor shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this Ordinance shall take effect in accordance with law.


Mayor of the City of Redlands

ATTEST:

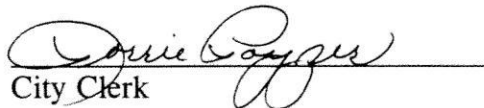

City Clerk

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 18th day of April, 1995 by the following vote:

AYES: Councilmembers Foster, Cunningham, Gilbreath; Mayor Larson

NOES: None

ABSENT: Councilmember Gil


City Clerk