

Title 7

**PUBLIC NUISANCES, CODE ENFORCEMENT,
AND ABATEMENT**

Chapters:

7-04 Nuisances

7-08 Graffiti

Chapter 7-04

NUISANCES*

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* Prior history: Ord. 2001-5; OCC §§ 3-14-101—3-14-103 and prior code §§ 3-01.005—3-01.120.

7-04.010 **Purpose and authority.**

The purpose of this chapter is to provide for the abatement of conditions which are offensive or annoying to the sense, detrimental to property values, aesthetics and community appearance, and are injurious to public health, safety or welfare of the general public in such ways as to constitute a public nuisance. The procedure set forth in this chapter for the abatement of nuisances and for making the cost of abatement of a nuisance on a parcel of land a special assessment against that parcel is adopted pursuant to Government Code Section 38773 et seq. and Article 11, Section 7 of the California Constitution. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.020 **Procedure not exclusive.**

The procedure provided in this chapter is in addition to any other procedure or procedures provided by city ordinance or by state law for the abatement of any of the conditions described in this chapter. Nothing in this article shall be deemed to prevent the city from commencing a civil or criminal action to abate a public nuisance, or from pursuing any other means available to it under applicable ordinances or state law to correct hazards or deficiencies in real property, in addition to or as alternatives to the procedure set forth in this article. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.030 **Definitions.**

As used in this chapter, the following terms shall have meanings as set forth below.

“Abandoned” means and refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

1. Present operability and functional utility;
2. The date of last effective use;
3. The condition of disrepair or damage;
4. The last time an effort was made to repair or rehabilitate the item;
5. The status of registration or licensing of the item;
6. The age and degree of obsolescence;
7. The cost of rehabilitation or repair of the item versus its market value;
8. The nature of the area and location of the item.

“Abate” means to repair, replace, remove, destroy, or otherwise remedy the condition in question by such means and in such manner and to such an extent as the City Council in its judgment shall determine is necessary in the interest of the general health, safety, and welfare of the community.

“Premises” means any building, lot, parcel, real estate, or land, or portion of land whether improved or unimproved, including adjacent streets, sidewalks, parkways, and parking strips. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.040 **Declaration of nuisance.**

Each of the following conditions is declared to constitute a public nuisance. Whenever the City Council determines that any such conditions exist upon any premises it may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property:

- A. Any public nuisance known in law or in equity;
- B. Buildings which are abandoned, partially destroyed or unsafe as defined in the adopted Uniform Building Code, or left in an unreasonable state of partial construction. An “unreasonable state of partial construction” is defined as any unfinished building or structure which has been in the course of construction one year or more, and where the appearance and other conditions of the unfinished building or structure substantially detracts from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood; and where completion of construction is not being diligently pursued;
- C. Unpainted buildings and those having dry rot, warping or termite infestation. Buildings on which the condi-

tion of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation so as to render the buildings unsightly and in a state of disrepair;

- D. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- E. Building exteriors, walls, fences, driveways which are not maintained as to prevent deterioration and are in a state of disrepair;
- F. The accumulation of dirt, litter, equipment or debris in vestibules, doorways or on the adjoining sidewalks or driveways;
- G. Lumber, junk, trash, garbage, salvage materials, rubbish, refuse, rubble, broken asphalt, concrete, containers, scrap metal or other debris stored or deposited for a period of more than seventy-two (72) hours on a property such that they are visible from a public street, alley or adjoining property. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect;
- H. Attractive nuisances dangerous to individuals, including abandoned, broken or neglected equipment and machinery; hazardous pools, ponds and excavations; abandoned refrigerators or motor vehicles; any structurally unsound fence or structure; or any other lumber, trash, garbage, rubbish, refuse, debris or vegetation which may prove a hazard;
- I. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household appliances or fixtures or equipment stored so as to be visible at ground level from a public street or alley or from an adjoining property for more than seventy-two (72) hours;
- J. Improper maintenance of signs relating to use(s) no longer conducted or products no longer sold on the property. Plastic or canvas tarps may not be placed on signs that are no longer in use. Walls, where tenant signs have been removed, must be repaired so the wall is free of any holes, wires, or dirt and repainted to match the existing building;
- K. Maintenance of property that is so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the use or enjoyment of adjacent properties;
- L. Maintenance of property in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined in California Civil Code Section 3479 and 3480, including, but not limited to, anything dangerous to human life or detrimental to human health, or that lacks adequate ventilation, sanitation or plumbing facilities, or that constitutes a fire hazard;
- M. Any dry or dead, shrub, tree, combustible refuse, or waste, or growing material which by reason of its size, manner of growth and location, constitutes a fire hazard to a structure, crop or other property;
- N. Outdoor storage of inoperative, abandoned, wrecked or dismantled vehicles present on any property, for a consecutive period of more than seventy-two (72) hours, excepting vehicle or parts thereof which are completely enclosed within a building. "Vehicle" as used in this section shall be defined as set forth in Section 670 of the California Vehicle Code.
- O. Dead, decayed, diseased, overgrown, or hazardous trees, weeds, and vegetation, cultivated or uncultivated, which is likely to harbor rodents or vermin, or constitute an unsightly appearance, or is detrimental to neighboring properties;
- P. Any property with pooled oil accumulation, oil, or other hazardous material flowing onto public right-of-way, or excessive accumulations of grease, oil, or other hazardous material on paved or unpaved surfaces, buildings, walls, or fences, or on any public street or property;
- Q. Any yard or landscaped area which contains excessive weeds, debris, uncultivated dirt, or other condition which creates an unkempt appearance or which lacks appropriate decorative healthy planted matter or required landscaping;
- R. Any condition of vegetation overgrowth or any imperious object which encroaches into, over, or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or an impediment to public travel;
- S. Any violation of the zoning code of the city;
- T. A swimming pool, pond, or other body of water which is unfiltered or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" means water which contains bacterial growth, algae, insects, animal life, rubbish, refuse, dirt, debris, papers, chemicals, or other matter or material which, because of its magnitude, nature or location, constitutes an unhealthy or unsafe condition;
- U. Unsafe Buildings and Other Structures. Existence in any building or other structure of any of the following conditions or defect to a significant degree for a period in excess of thirty (30) calendar days:
 - 1. Any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or

- is not so arranged as to provide safe and adequate means of exit,
2. Any portion thereof which has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than the minimum requirements of the building code for a new building or similar structure,
 3. Any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property,
 4. Any member, appurtenance, or ornamentation on the exterior thereof which is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure, earthquake forces, live-load, or dead-load as specified in the building code, without exceeding the working stresses permitted in the building code,
 5. The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way,
 6. The building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used,
 7. The building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants or criminals, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts,
 8. The building or structure is used or intended to be used for dwelling purposes and, because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Health Officer, or is likely to cause injury to the health, safety or general welfare of those living within,
 9. Any building or structure used for dwelling purposes which has light, air, and sanitation facilities

inadequate to protect the health, safety, or general welfare of persons living within,

10. Any building or structure, which by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause,

11. Any building which meets the definition of sub-standard buildings in Chapter 10, Uniform Housing Code.

(Ord. 2005-4 § 2 (Exh. A (part)))

7-04.050 Initiation of proceedings.

Whenever the City Council finds, based upon the recommendation of the Director of Community Development, Parks and Recreation Director, Fire Chief, Building Official, Code Enforcement Officer, or other appropriate city official, that any premises within the city are being maintained in such a way as to constitute a public nuisance as declared herein, then the City Council may, by resolution, declare an intention to conduct a public hearing to ascertain whether the same constitutes a public nuisance, the abatement of which is appropriate under the police power of the city. The resolution shall describe the premises involved by street address, referring to the street by the name under which it is officially or commonly known, or shall describe the property by assessor's parcel number or a legal description thereof; shall give a brief description of the conditions which constitute the nuisance; and shall provide a brief statement of the method of abatement recommended. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.060 Notice of public hearing.

Within thirty (30) days after the adoption of such resolution by the City Council, the City Clerk shall cause to be served upon the owner of the affected premises, a certified copy of the resolution, and notice of a public hearing before the City Council. Such service shall be made by registered or certified mail, addressed to the owner at the last known address of the owner as shown upon any current records of the city or the last equalized assessment roll, whichever appears to be the more reliable address. The City Clerk shall also cause to be conspicuously posted on the premises a copy of the notice of the hearing before the City Council. Such notice and resolution shall be served and the notice posted at least ten days before the time fixed

for the hearing. The notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING ON
ABATEMENT OF NUISANCE

A hearing will be held at _____ on _____
at City Hall, before the City Council to determine if the
premises at _____
constitute a public nuisance.

The conditions constituting the public nuisance include the following:

_____ .

A public hearing may be avoided if the following corrections are made at least two days before the date set for the hearing:

_____ .

If it is determined that the premises constitutes a public nuisance, the following abatement action may be taken by the city if the owner has not taken corrective action:

_____ .

If abatement action is taken by the City, the costs of the abatement will be assessed against the premises and will attach as a lien until paid. All persons having an interest in this matter may attend the hearing and give testimony and evidence which will be given due consideration.
(Ord. 2005-4 § 2 (Exh. A (part)))

7-04.070 Public hearing.

At the time, place, and date stated in the notice, the City Council shall hear and consider all relevant evidence, objections, or protests and shall receive testimony from owners, witnesses, city personnel, and interested persons relative to such alleged nuisance and to the proposed rehabilitation, repair, or demolition of such premises. The hearing may be continued from time to time. Upon the conclusion of the hearing, the City Council shall, based upon such hearing, determine whether the premises or any part

thereof, as maintained, constitutes a public nuisance as defined in this article. If the City Council finds that such a nuisance exists and that there is sufficient cause to abate it by rehabilitation, demolition, or repair, the City Council may, by resolution, declare such premises to be a public nuisance and order the abatement of the same by the property owner within a time specified by the City Council. Such resolution shall contain a detailed list of needed corrections and abatement methods. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.080 Opportunity for owner to abate nuisance.

A copy of the resolution of the City Council ordering the abatement of the nuisance shall be served upon the owner of the property. Such service shall be made by registered or certified mail, addressed to the owner at the last known address as determined under Section 7-04.060 of this chapter. The owner shall have the right to have the nuisance abated in accordance with the resolution, at the owner's sole expense, provided the same is completed prior to the expiration of the time period specified for the abatement. The City Council may extend the time for performance upon written request being presented to the City Council prior to the date scheduled for abatement. Upon such abatement in full by the owner, the proceedings hereunder shall terminate. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.090 Abatement of nuisance by city.

If such nuisance is not completely abated by the owner within the abatement period, the city shall immediately cause the same to be abated by city personnel or private contract and such personnel or persons under contract are expressly authorized to enter upon said premises for such purposes. The owner of said premises shall be liable to the city for all costs of such abatement, including all administrative costs. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.100 Assessment of cost against property.

A. The personnel or persons who abate the nuisance shall keep an account of the costs of abatement. Such personnel or persons shall submit to the City Council for confirmation, an itemized written report showing such costs. The City Council may modify the report if it is deemed necessary, and shall then confirm the report by resolution. The City Clerk shall post on the premises and shall also mail to the owner a copy of the resolution showing the assessment of the costs of abatement. The resolution shall be accompanied by notice to the owner that the assessment may be protested by submitting a written request for a hearing to

the City Council within ten calendar days after the date of service of the resolution by mail. If the assessment is not protested within ten calendar days after service, it shall be deemed final.

If the owner requests a hearing, the hearing shall be scheduled at the next regular City Council meeting where at least ten calendar days' notice to the owner may be given. At the time fixed for the hearing on the assessment of the costs of abatement, the City Council shall consider the statements and protests or objections raised by the person liable to be assessed for the cost of the abatement. The City Council may revise, correct, or modify the assessment and thereafter shall confirm the amount by resolution, which assessment shall be deemed final.

- B. The City Clerk shall provide written notice to the owner of the final assessment and an opportunity to pay city within thirty (30) days of the date of the notice. The notice shall state that unless the full amount of the assessment is paid by the date due, a lien will be recorded by the city against the property on which the nuisance was located.
- C. Pursuant to Government Code Section 38773.5 and Section 25845, the total costs of abatement, shall constitute a special assessment against the parcel on which the nuisance was located. After the assessment is final, it shall constitute a lien on the parcel upon recordation in the office of the County Recorder a notice of lien. The notice of lien shall be substantially in the following form:

NOTICE OF LIEN

Claim of the City of Laguna Hills

Pursuant to the authority vested by the provisions Chapter 7-04 of the City of Laguna Hills Municipal Code, the City Council did on or about the _____ day of _____, 20____, cause the property hereinafter described to be declared a nuisance and the nuisance conditions thereon abated. On the _____ day of _____, 20____, the City Council assessed the final cost of such abatement upon the property and the same has not been paid nor any part thereof. The City of Laguna Hills does hereby claim a lien for such abatement in the amount of the assessment, which is \$ _____; the same shall be a lien upon the property until paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land

lying and being in the City of Laguna Hills, County of Orange, State of California, particularly described as follows:

[legal description]

Dated this _____ day of _____, 20____.

City Manager, City of Laguna Hills

- D. Such special assessment 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 penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.110 Owner to maintain premises free of public nuisance.

The owner of any premises in the city has the primary responsibility to keep such premises free of public nuisances. Any tenants or occupants of premises shall, for the purpose of this article, be deemed to be the agents of the owner. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.120 Violation—Penalty.

- A. Any person who owns, leases, or otherwise controls any premises on which there exists any public nuisance defined in this section, or who violates any order of abatement, is guilty of a misdemeanor and shall be punishable as set forth in Chapter 1-32. Each person shall be guilty of a separate offense for each and every day during any portion or which any violation of any provision of this article is committed, continued or permitted by such person and shall be punishable accordingly.
- B. Notwithstanding subsection A of this section, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction.
- C. Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this article, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner to pay triple the costs of the abatement. (Ord. 2005-4 § 2 (Exh. A (part)))

7-04.130 Enforcement.

The City Manager, and such of his or her subordinates as he or she may designate, shall be charged with enforcement of the provisions of this article. In accordance with Penal Code Section 836.5, the City Manager and his or her designated subordinates are authorized to arrest any person whom they have reasonable cause to believe has committed a violation of this article in their presence. (Ord. 2005-4 § 2 (Exh. A (part)))

Chapter 7-08**GRAFFITI*****Sections:**

7-08.010	Purpose.
7-08.020	Definitions.
7-08.030	Graffiti prohibition.
7-08.040	Possession of graffiti implements prohibited in designated public places.
7-08.050	Possession of graffiti implements by minors prohibited.
7-08.060	Removal of graffiti.
7-08.070	Reward.
7-08.080	Violation, penalties, and civil liability of parents.

* Prior code history: Prior code §§ 13-05.005—13-05.060.

7-08.010 Purpose.

The purpose of this chapter 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 so as to avoid the detrimental impact of such graffiti on the City and to prevent the further spread of graffiti. The City Council further finds that the application of graffiti or other inscribed material, as defined herein, is willful misconduct which damages or destroys property. Government Code Section 53069.3 permits the use of City funds to remove graffiti or other inscribed material from public or privately owned real or personal property located within the City. (Ord. 07-2 § 2 (part), 2007)

7-08.020 Definitions.

As used in this chapter, the following terms shall have meanings as set forth below.

“Adhesive stickers” means any sheet of paper, fabric, plastic, or other material with an adhesive or gummed backing, which when applied or affixed to any surface either creates a permanent contact or is not easily removable without the use of solvents.

“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, dye, or other substances capable of defacing property.

“Etching tool” means any sharp or pointed instrument, which is capable of etching or marking glass, plastic, wood, metal, or concrete surfaces, including but not limited to picks, scribes, awls, chisels, markers, and etchers, or any masonry or glass drill bit, carbide drill bit, glass cutter, grinding stone, etching cream, or acid etching solution.

“Felt tip marker” means any indelible marker, writing instrument, or similar implement with a tip which at its broadest width is greater than one-eighth inch, containing ink or any other substance that is not water soluble.

“Graffiti” means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, painted, labeled, pasted, or affixed on any surface of public or private real or personal property, including but not limited to buildings, walls, signs, structures, places, or other surfaces regardless of the nature of the material of which the structure is composed. The definition of graffiti also includes the unauthorized application of adhesive stickers to any public or private real or personal property.

“Graffiti implement” means any implement capable of marking, scarring, damaging, or defacing any surface to create graffiti, including but not limited to aerosol paint containers, felt tip markers, etching tools, paint sticks or graffiti sticks, adhesive stickers, spray actuators, marking pens, drill bits, grinding stones, or any other implement that is capable of marking, scarring, or otherwise damaging or defacing glass, plastic, wood, metal, stucco, or concrete.

“Paint stick or graffiti stick” means any instrument or device containing a solid form of paint, chalk, dye, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and, upon application, leaves a visible mark on the surface at least one-eighth of an inch in width and is not water soluble.

“Spray actuator” (also known as a spray tip, nozzle, or button) means an object or device which is capable of being attached to an aerosol paint container for the purpose of spraying the substance contained therein. (Ord. 07-2 § 2 (part), 2007)

7-08.030 Graffiti prohibition.

It is unlawful for any person to write, mark, etch, scratch, draw, paint, label, paste, affix, or otherwise apply graffiti on public or privately owned buildings, walls, signs, structures, places, or other surfaces located on public or privately owned property within the city. (Ord. 07-2 § 2 (part), 2007)

7-08.040 Possession of graffiti implements prohibited in designated public places.

It is unlawful for any person to have in his or her possession any graffiti implement while in any city park, city playground, city recreational facility, or while on a public sidewalk, street, alleyway, or in the public right-of-way, or while in or upon an underpass, bridge abutment, storm drain, or other similar type of infrastructure within the City. This section shall not apply to employees of the city or any individual, agency, or company under contract with the City or any employee or contractor of another governmental entity while in the performance of official duties of that governmental entity in the City where the possession of such implements is authorized by the City or other governmental entity. (Ord. 07-2 § 2 (part), 2007)

7-08.050 Possession of graffiti implements by minors prohibited.

- A. It is unlawful for any person under the age of eighteen (18) years to have in his or her possession any graffiti implement while upon public or private property without the express consent of the owner of such property whose consent to such possession and presence is given in advance.
- B. This section shall not apply to a person who is under the age of eighteen (18) years who is accompanied by a parent or legal guardian, or who is attending and traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that has, as a written requirement of the class, a requirement for use of any graffiti implement. The burden of proof in any prosecution for violation of this section shall be upon the minor student to establish the need to possess such graffiti implement. (Ord. 07-2 § 2 (part), 2007)

7-08.060 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 same within twenty-four (24) hours after notice by the City or the public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of this chapter. Where graffiti is applied by anyone under the age of eighteen (18) years, the parent(s) or legal guardian(s) shall be responsible for such removal or for the payment therefor.

- B. Whenever the Director of Public Services ("Director") or his or her designated representative determines that graffiti is on public or privately owned structures located 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 Director, or his or her 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 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 Director or his or her designee determines that a more extensive area is to be repainted or repaired, or where the private property owner, or other public entity owner, agrees to pay for the costs of repainting 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 release of the City from liability.
- 3. Where 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 City's option or if a private property owner's consent cannot be obtained, graffiti which is on privately owned structures located 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 Director or his or her 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 proceeding hereunder. The owner shall have five days after the date 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, Laguna Hills, California, which 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 Director of Parks and Recreation or his/her 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 Director or his or her 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 Director within five days after the date appearing on the notice of intent to remove graffiti, the Director shall schedule a hearing on the matter, which shall follow the procedures set forth in Article 2 of Chapter 7-04 of this title.
5. If no objections are submitted as set forth in subsection (C)(4) of this section, 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 Director or his or her designated representative approves, then the Director or his or her designated 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 purpose.
6. Should the Director be required to abate the graffiti as set forth in subsection (C)(5) of this section, he or she shall thereafter follow the procedures set forth in Article 2 of Chapter 7-04 of this title regarding recovery of the costs of abatement, through assessment of the costs against the property as a lien.

(Ord. 07-2 § 2 (part), 2007)

7-08.070 Reward.

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. (Ord. 07-2 § 2 (part), 2007)

7-08.080 Violation, penalties, and civil liability of parents.

- A. Criminal Penalties. Any violation of this chapter shall be a misdemeanor punishable by either six months in jail, a one thousand dollar (\$1,000.00) fine, or by such fine and imprisonment, and by the performance of community service to the maximum extent permitted by California Penal Code Section 594 and/or any other applicable provision of law.
- B. Additional Penalties Available. It is the City's intent to petition a sentencing court to impose any and all appropriate additional penalties authorized under

state law upon conviction, including but not limited to court-ordered litter and graffiti cleanup, community service, parental participation in community service, and suspension or delay of issuance of driver's license.

- C. **Civil Liability of Parents.** In addition to pursuing criminal charges for violations of this chapter, the City Attorney may file civil complaints against the parents or legal guardians of minors who deface public property and seek recovery for the property damage, cost of graffiti removal, police investigative costs, as well as the City Attorney's fees and costs, up to twenty-five thousand dollars (\$25,000.00) for each tort of the minor. Pursuant to Civil Code Section 1714.1, any act of willful misconduct of a minor which results in the defacement of property of another with paint or a similar substance is imputed to the parent or guardian having custody and control of the minor for all purposes of civil damages, including court costs, and Attorney's fees, and the parent or guardian having custody and control is jointly and severally liable with the minor for any damages resulting from the willful misconduct of the minor, not to exceed twenty-five thousand dollars (\$25,000.00) for each tort of the minor.
- D. **Alternate Actions.** Nothing in this chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards or deficiencies in real property in addition to or as alternatives to the proceedings set forth herein.

(Ord. 07-2 § 2 (part), 2007)