



Meeting Date: 09 /11/07

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input checked="" type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Julie Doi, Deputy City Attorney *JD* Agenda Item No. F-1
 Reviewed By: City Manager *[Signature]* City Attorney *JD* Finance *SW* Other (Specify) _____

DATE: August 21, 2007

TO: City Council

FROM: Julie Doi, Deputy City Attorney
City Attorney's Office *[Signature]*

SUBJECT: Ordinance Regarding the Recovery of Graffiti Abatement Costs

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance adding section 7-93 to the Oxnard City Code regarding the recovery of graffiti abatement costs incurred by the City.

DISCUSSION

Until removed, graffiti is a public nuisance that creates an eyesore in neighborhoods within the City. Members of the City's Graffiti Action Program ("GAP") regularly remove graffiti that has been placed on public or private property. When the GAP removes graffiti placed by individuals who are subsequently arrested, charged, and convicted in a criminal case involving the placement of graffiti, the City receives restitution for the cost of abating the graffiti as a condition of those individuals' probation.

Currently, the City Code does not provide a means for collecting restitution from individuals who receive only civil citations for placing graffiti on public or private property. The proposed ordinance would provide a means for collecting restitution from such individuals.

The proposed ordinance would authorize the City Manager to place a lien for abatement and related administrative costs upon the property of any person who is issued a civil citation for placing graffiti on public or private property. If the person is a minor, the lien for abatement and related administrative costs may be placed upon the property of the parent or guardian having custody and control of the minor. "Abatement and related administrative costs" include, but are not limited to, court costs, attorneys' fees, costs of removal of the graffiti, costs of repair and replacement of defaced property, and the law enforcement costs incurred in identifying and apprehending the person who placed the graffiti on public or private property.

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FINANCIAL IMPACT

The amount of restitution collected by the City pursuant to the proposed ordinance is difficult to estimate at this time and is contingent on the number of civil citations issued.

JD

Attachment #1 - Ordinance

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. ___

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING
SECTION 7-93 OF THE OXNARD CITY CODE CONCERNING THE RECOVERY
OF GRAFFITI ABATEMENT COSTS INCURRED BY THE CITY

.....

The City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-93 is hereby added to read as follows:

“SEC. 7-93. GRAFFITI NUISANCE ABATEMENT LIENS.

(A) When the City abates graffiti or other inscribed material placed on public property or on the property of another, the City Manager may impose a lien for abatement and related administrative costs upon the property of any person who is convicted in a criminal case of defacing property of another by graffiti or any other inscribed material or who is issued a civil citation for defacing property of another by graffiti or any other inscribed material. If the person is a minor, the City Manager may impose a lien for abatement and related administrative costs upon the property of the parent or guardian having custody and control of the minor.

(B) The City Manager shall provide notice to the person who owns the property upon which the lien is being imposed prior to the recordation of the lien. The City Manager shall serve the notice in the same manner as a summons in a civil action pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure.

(C) If the person who owns the property upon which the lien is being imposed cannot be located after diligent search, the City Manager may serve the notice by posting a copy of the notice upon the property in a conspicuous place for a period of ten days. The City Manager shall also publish the notice pursuant to Code of Civil Procedure Section 6062 in a newspaper of general circulation that is published in the county in which the property is located.

(D) As used in this Section, “abatement and related administrative costs” include, but are not limited to, court costs, attorneys’ fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred in identifying and apprehending the person who defaced property of another.”

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Ordinance No.

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Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary Gillig, City Attorney

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