

ORDINANCE NO. 1323

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA ADDING SECTION 95.16 TO THE BALDWIN PARK MUNICIPAL CODE RELATING TO ABATEMENT OF GRAFFITI ON PRIVATE PROPERTY

The City Council of the City of Baldwin Park does hereby ordain as follows:

SECTION 1. Section 95.16 is hereby added to the Baldwin Park Municipal Code to read as follows:

§ 95.16 ABATEMENT OF GRAFFITI.

(A) **Obligation to remove graffiti.** Notwithstanding any other provision of this Chapter or other abatement procedure set forth in this Code or established by law, and as an available but not required alternative to those provisions or procedures, if graffiti or other inscribed material visible from any public place remains on any wall, fence, building, structure, window, vehicle, equipment or other location on private property, for a period in excess of 48 hours after the Director posts of a notice as described in this section, then the City may remove or cause the removal of that graffiti or other inscribed material and recover costs, including administrative costs in accordance with this section.

(B) **Notice of graffiti.** The notice described in subsection (A) of this section shall include the information set forth in subsection (B) of section 95.05 of this Chapter and shall be securely attached, as reasonably determined by the Director, to the wall, fence, building, structure, window, vehicle, equipment or other location on private property where the graffiti or other inscribed material is located. The notice shall be on legal sized (8.5" X 14") card stock, in at least 14-point font, have the words "**NOTICE OF IMMEDIATE ABATEMENT**" in 20-point, bolded font at the top of the page and shall be printed in English and Spanish. The posting shall be completed between 9:00 a.m. and 5:00 p.m. If at the time notice is posted the Director reasonably determines a person who controls the property is present, then the Director shall also hand deliver a copy of the notice to that person.

(C) **Appeal.** If the property owner does not file an appeal with the City Clerk pursuant to section 95.06 of this Chapter and the graffiti or other inscribed material remains for a period in excess of the time stated in the notice provided pursuant to subsection (B) of this section, then the City may, but is not required to, take any and all actions necessary to remove that graffiti or other inscribed material and recover the costs of such removal, including administrative costs, pursuant to sections 95.11 or 95.12 of this Chapter.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final reading and adoption.

PASSED AND APPROVED on the 4th day of February 2009

MANUEL LOZANO
MAYOR

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BALDWIN PARK } ss.

I, LAURA M. NIETO, Deputy City Clerk, of the City of Baldwin Park, do hereby certify the foregoing Ordinance No. 1323 was introduced at a regular meeting of the City Council held on January 21, 2009, and was adopted by the City Council at its regular meeting held on February 4, 2009, by the following vote of the Council:

- | | | |
|----------|------------------|---|
| AYES: | COUNCIL MEMBERS: | Anthony J. Bejarano, Marlen Garcia,
Ricardo Pacheco, Mayor Pro Tem
Monica Garcia and Mayor Manuel
Lozano |
| NOES: | COUNCIL MEMBERS: | NONE |
| ABSENT: | COUNCIL MEMBERS: | NONE |
| ABSTAIN: | COUNCIL MEMBERS: | NONE |

LAURA M. NIETO
DEPUTY CITY CLERK