

ORDINANCE NO. 07-347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ARTICLE IV, CHAPTER 11, SECTIONS 41106, 41108, 41109(b), AND 41111, GRAFFITI PREVENTION AND REMOVAL, AND AMENDING THE NOTIFICATION TO OWNERS OR POSSESSORS OF PRIVATE PROPERTY, HEARING AND POSTING, AND ABATEMENT OF GRAFFITI WHERE IT IS VISIBLE

The City Council of the City of Agoura Hills does ordain as follows:

Article IV, Chapter 11, Sections 41106, 41108, 41109(b), and 41111; Graffiti Prevention and Removal, of the Agoura Hills Municipal Code is hereby amended as follows:

SECTION 1. Findings and Purpose. The City Council recognizes the need to encourage the removal of graffiti that appears on private property and is visible to the general public in a timely manner to discourage repeat occurrences and to maintain the quality of life that exists. Noticing the property owner of such occurrences is vital to the success of a cooperative effort to eradicate graffiti in public areas.

SECTION 2. Code Amendment. Sections 41106, 41108, 41109(b), and 41111, of Chapter 11 of Article 4 of the Agoura Hills Municipal Code are hereby amended to read as follows:

Section 41106. Notice to owners or possessors of private property.

Whenever the City Manager, or his or her designee, determines that graffiti is being maintained upon any premises within the city in violation of Section 41105 of this chapter, the City Manager, or his or her designee, shall send written notice of such condition to the owner or possessor of the premises and shall require that the graffiti be removed. The notice and order shall be sent to the owner as shown on the most recent equalized assessment roll, and a copy shall be posted on the subject property. The notice shall state that the owner must remove the graffiti or consent to its removal by the City within five (5) days from the date the notice was mailed.

Section 41108. Hearing prior to abatement, notice of hearing.

Prior to the City abating graffiti on private property without the consent of the owner, a hearing before the City Manager or his or her designee shall be held, at which time the property owner shall be given the opportunity to be heard regarding the proposed abatement. A notice of the time and place of the hearing before the City Manager or his or her designee shall be sent to the property owner not less than seven (7) days prior to the hearing.

Section 41109 Posting and serving notice of hearing.

- (b) Said notice shall be served, as aforesaid, at least seven (7) days before the time fixed for such hearing; proof of posting and service of such notice shall be made by declaration under penalty of perjury filed with the hearing officer.

Section 41111 Order of abatement.

Within seven (7) days after the hearing, the City Manager, or his or her designee, shall provide written notice of the decision to the owner and to any other person requesting the same. If a nuisance is determined to exist, the notice shall contain an order of abatement directed to the owner of the affected property or the person in control and/or charge of the property, and shall set forth the nature of the graffiti, its location on the premises and the time and manner for its abatement. The City Manager may impose such conditions as are reasonably necessary to abate the graffiti. The decision of the City Manager may be appealed to the City Council by the filing of a written request for appeal with the City Clerk within seven (7) days after the City Manager's notice of the decision to the owner. The City Council, on such appeal, may affirm, reverse, or modify the decision of the City Manager. In affirming or modifying the decision of the City Manager, the City Council may impose such conditions as it deems reasonably necessary to abate the graffiti.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

THIS ORDINANCE shall take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED, this ____ day of September, 2007, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Dan Kuperberg, Mayor

ATTEST:

Kimberly Rodrigues, City Clerk