

ORDINANCE NO. 3289

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA AMENDING SECTION 9.31.140 OF THE CORONA MUNICIPAL CODE TO CLARIFY PARENTAL RESPONSIBILITIES AND ADMINISTRATIVE PENALTIES RELATED TO GRAFFITI

WHEREAS, graffiti is a continuous problem and the City of Corona (“City”) spends significant sums of money each year on graffiti removal; and

WHEREAS, Section 9.31.140 (Violation – Penalties) of Chapter 9.31 (Graffiti Prevention) of the Corona Municipal Code (“CMC”) currently dictates several penalties for graffiti vandalism, including civil and criminal prosecution and restitution, and

WHEREAS, the City Council of the City wishes to amend Section 9.31.140 of the CMC to more expressly outline the City’s authority to assess administrative fines for graffiti vandalism and to clarify the joint and several liability of parents or legal guardians of offending minors for said administrative fines;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. Section 9.31.140 (Violation – Penalties) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

“9.31.140 Violation – Penalties.

(A) **Parental civil liability.** A parent or legal guardian having custody or control of a minor under the age of 18 shall be jointly and severally liable with such minor, and shall be considered a “responsible person” for any administrative penalties assessed pursuant to Chapter 1.08 of this code, and may be held liable in a civil proceeding for damages to public or private property, including attorney’s fees and court costs, incurred as a result of the minor willfully violating any provision of this chapter. Damages assessed against a parent or legal guardian having custody and control of a minor shall not exceed any expressly applicable statutory limits, including Civil Code Section 1714.1.

(B) **General civil liability – Administrative penalties.** Any person may be held liable in a civil proceeding for damages to public or private property, including attorney’s fees and court costs, incurred as a result of the person violating any provision of this chapter. Any person responsible for a violation

of any provision of this chapter may be assessed administrative penalties pursuant to Chapter 1.08 of this code.

(C) **Criminal penalties.** Any violation of a provision of this chapter shall be a misdemeanor punishable by either six months in jail, a \$1,000 fine, or both.

(D) **Community service requirement.** Upon the conviction of any person for the application of graffiti, the city may request the court to order the person to complete community service not to exceed 100 hours for the first conviction. Upon the second and subsequent conviction of any person for the same offense, the city may request the court to order the person to complete community service not to exceed 200 hours.

(E) **Graffiti removal.** Upon the conviction of any person for the application of graffiti, the city may request the court to order the person to perform the necessary labor to clean up, repair or replace the property damaged by that person.

(F) **Driving privilege suspension.**

(1) In accordance with Cal. Vehicle Code § 13202.6, upon the conviction of any person for the application of graffiti committed while the person was 13 years of age or older in violation of Cal. Penal Code § 594, the city may request the court to suspend the person's driving privilege for one year.

(2) If the person convicted does not yet have the privilege to drive, the city may request that the court order the California Department of Motor Vehicles to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. For each successive offense, state law requires that the court suspend the person's driving privilege for those possessing a driver's license or delay the eligibility for those not in possession of a driver's license at the time of their conviction for one additional year."

SECTION 2. CEQA Findings. The City Council finds that this Ordinance is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This Ordinance merely amends the Corona Municipal Code to clarify that parents and legal guardians are

jointly and severally liable for administrative fines and damages for graffiti caused by minors. Thus, there is no possibility that adopting this Ordinance will have a significant effect on the environment and no further environmental analysis is required.

SECTION 3. Invalidity; Severability. If any sentence, cause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4. Effective Date of Ordinance. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a newspaper of general circulation in the City of Corona. This Ordinance shall take effect and be in force on the 30th day after its adoption.

ADOPTED this 6th day of December, 2018.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held the 20th day of November, 2018, and thereafter at an regular meeting held on the 6th day of December, 2018, it was duly passed and adopted by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this _____ day of _____, 2018.

City Clerk of the City of Corona, California

SUMMARY

On December 6, 2018 the Corona City Council will consider amending the graffiti ordinance to clarify that parents or legal guardians are jointly and severally responsible for costs of damages and administrative penalties related to graffiti caused by minors. A certified copy of the full text of this proposed Ordinance is posted in the City Clerk's office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall, located at 400 South Vicentia Avenue. The City Clerk's office is located in City Hall near the Council Chambers.