

Corona Municipal Code

CHAPTER 9.30

GRAFFITI ABATEMENT PROCEDURE

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9.30.010 Purpose and intent.

(A) It is the purpose and intent of this chapter to provide a procedure for removal of graffiti from walls and structures on both public and privately owned property in order to reduce blight and deterioration within the city and to protect the public safety.

(B) The city finds and determines that graffiti is obnoxious and a public nuisance, as defined in § 9.30.020, and must be abated to avoid the detrimental impact of such graffiti on the city and its residents and to prevent the further spread of graffiti.

(‘78 Code, § 9.30.010.) (Ord. 1903 § 1 (part), 1989.)

9.30.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section.

(A) **"Graffiti"** means the unauthorized spraying of paint or marking of ink, chalk, dye or other similar substances on public and private buildings, structures and places.

(B) **"Graffiti abatement procedure"** means an abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti and cures in absence of response.

(C) **"Private contractor"** means any person with whom the city shall have duly contracted to remove graffiti.

(`78 Code, § 9.30.020.) (Ord. 1903 § 1 (part), 1989.)

9.30.030 Graffiti prohibited.

(A) No person shall place graffiti or other writing upon any public or privately owned permanent structure located on publicly or privately owned real property within the City of Corona.

(B) No person owning or otherwise in control of any real property within the city shall permit or allow any graffiti to be placed upon or remain on any permanent structure located on such property when the graffiti is visible from the street or other public or private property.

(`78 Code, § 9.30.030.) (Ord. 1903 § 1 (part), 1989.)

9.30.040 Notice.

Whenever the Director of Public Works determines that graffiti exists on any permanent structure in the City of Corona which is visible from the street or other public or private property, the Director or his or her designee shall cause a notice to be issued to abate such nuisance. The property owner shall have ten days after the date of the notice to remove the graffiti or the property will be subject to abatement by the city.

(`78 Code, § 9.30.040.) (Ord. 1903 § 1 (part), 1989.)

9.30.050 Service of notice.

The notice to abate graffiti pursuant to § 9.30.040 shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last equalized property tax assessment rolls of the County of Riverside. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this chapter may be served in any one of the following manners:

(A) By personal service on the owner, occupant or person in charge or control of the property;

(B) By registered or certified mail addressed to the owner at the last known address of the owner. If this address is unknown, the notice will be sent to the property address. The notice shall be substantially in the following form:

"NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti located on the property commonly known as _____ Corona, California, which is visible to public view, within ten (10) days after the date of this notice: or, if you fail to do so, city employees or private contractors employed by the city will enter upon your property and abate the public nuisance by removal or painting over 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 objection to or interest in said matters are hereby notified to submit any objections or comments to the Director of Public Works for the City of Corona or his/her designated representative within ten (10) days from the date of this notice. At the conclusion of this ten (10) day period, the city may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

DATED this _____ day of _____, 20____.

Director of Public Works

City of Corona, California"

(`78 Code, § 9.30.050.) (Ord. 1903 § 1 (part), 1989.)

9.30.060 Appeal.

Within ten days from the mailing or personal service of the notice, the owner or person occupying or controlling such premises or lot affected may appeal to the City Council of the City of Corona. At a regular meeting or regular adjourned meeting of the City Council not more than 20 days thereafter, the Council shall proceed to hear and pass upon such appeal. The decision of the Council thereupon shall be final and conclusive.

(`78 Code, § 9.30.060.) (Ord. 1903 § 1 (part), 1989.)

9.30.070 Removal by city.

Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the Director of Public Works or his or her designated representative approves, then the Director is authorized and directed to 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 purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city and any paint used to obliterate graffiti shall be as close as practicable to background color(s).

(`78 Code, § 9.30.070.) (Ord. 1903 § 1 (part), 1989.)

9.30.080 Private property consent forms.

Property owners in the City of Corona may consent in advance to city entry onto private property for graffiti removal purposes. The city will make forms for such consent available.

(`78 Code, § 9.30.080.) (Ord. 1903 § 1 (part), 1989.)

9.30.090 Public property.

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 an authorized representative of the public entity

having jurisdiction over the structure.

(`78 Code, § 9.30.090.) (Ord. 1903 § 1 (part), 1989.)

9.30.100 Record of cost for abatement.

The Director of Public Works shall keep an account of costs (including incidental expenses) of abating such nuisance on each separate parcel of land where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement; provided, that before the report is submitted to the Council, a copy shall be served in accordance with the provisions of § 9.30.050, together with a notice of time when the report shall be heard by the Council for confirmation.

(A) The City Council shall set the matter for hearing to determine the correctness and reasonableness of such costs.

(B) The term "**incidental expenses**" shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts and in inspecting the work and the costs of printing and mailing required hereunder.

(`78 Code, § 9.30.100.) (Ord. 1903 § 1 (part), 1989.)

9.30.110 Report – Hearing and proceedings.

At the time and placed fixed for receiving and considering the report, the City Council shall hear and pass upon the report of such costs of abatement, together with any objections or protests. Thereupon, the City Council may make such revision, correction or modification in the report as it may deem just, after which, by motion, the report as submitted or as revised, corrected or modified shall be confirmed. The decision of the City Council on all protests and objections which may be made shall be final and conclusive.

(`78 Code, § 9.30.110.) (Ord. 1903 § 1 (part), 1989.)

9.30.120 Assessment of costs against property.

(A) The total cost for abating such nuisance, not to exceed those limits set forth in § 9.30.130 as confirmed by the City Council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the Riverside County Recorder of a notice of lien, as so made and confirmed, shall constitute a lien on the property for the amount of such assessment.

(B) After such confirmation and recordation, a copy shall be filed with the Assessor and Tax Collector of Riverside County, acting for the city, in order that the county officials may add the amounts of the respective assessments to the next regular tax bills levied against the respective lots and parcels of land, and thereafter the amounts 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 procedure under foreclosure and sale in a case of delinquency as provided for ordinary municipal taxes.

(C) After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(D) The notice of lien for recordation shall be in form substantially as follows:

"NOTICE OF LIEN

(Claim of City of Corona)

Pursuant to the authority vested by the provisions of Section 9.30.070 of the Corona Municipal Code, the Director of Public Works of the City of Corona did, on or about the _____ day of _____, 20 ____, cause the painting over or removal of graffiti at the premises hereinafter described in order to abate a public nuisance on said real property; and the City Council of the City of Corona did on the _____ day of _____, 20 ____ assess the cost of such abatement upon the real property hereinafter described, and the same has not been paid nor any part thereof; and that said City of Corona does hereby claim a lien on such costs of abatement in the amount of said assessment (the sum of \$_____); and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Corona, County of Riverside, State of California, and particularly described as follows:

(Description)

DATED this _____ day of _____, 20____ .

City Clerk of the City of Corona, California"

(`78 Code, § 9.30.120.) (Ord. 1903 § 1 (part), 1989.)

9.30.130 Cost assessment limitations.

(A) Assessments of owners of property for the actual cost of removal of graffiti shall not exceed the following amounts in any calendar year:

- (1) Business owners shall not exceed \$150;
- (2) Residence owners shall not exceed \$100;
- (3) Senior citizens (over 60) shall not exceed \$50.

(B) When the maximum assessment is reached, the city shall notify the Chamber of Commerce which will assist the property owner with finding solutions to their recurring problem.

(`78 Code, § 9.30.130.) (Ord. 1903 § 1 (part), 1989.)

9.30.140 Limitation of filing judicial action.

Any owner, lessee, occupant or other interested person having any objections or feeling aggrieved at any proceeding taken on appeal by the City Council in ordering the abatement of any public nuisance under the provisions of this chapter must bring an action to contest the decision within 30 days after the date of the decision of the City Council. Otherwise, all objections to such decision shall be deemed waived.

(`78 Code, § 9.30.140.) (Ord. 1903 § 1 (part), 1989.)