

(O-92-122)

ORDINANCE NUMBER O- 17751 (NEW SERIES)

ADOPTED ON MAR 30 1992

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 95.0127 RELATING TO GRAFFITI  
ABATEMENT PROCEDURE.

BE IT ORDAINED, by the Council of The City of San Diego, as  
follows:

Section 1. That Chapter IX, Article 5, of the San Diego  
Municipal Code be and the same is hereby amended by amending  
section 94.0127 to read as follows:

**SEC. 95.0127 Graffiti Abatement Procedure**

No change in subsections a. through b.4.

5. "Abatement Official" means the City Manager or  
the City Manager's duly designated representatives.

**c. Graffiti Prohibited.**

No change in subsections 1. through 3.d.2.

3. By posting the notice conspicuously  
on the property frontage at least once every  
50 feet. The abatement notice shall be  
substantially in the following form:

NOTICE OF INTENT TO REMOVE GRAFFITI

SAN DIEGO MUNICIPAL CODE SECTION 95.0127

DATE: \_\_\_\_\_

NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti which constitutes a public nuisance on the property located at (address) \_\_\_\_\_, San Diego, California, \_\_\_\_\_ which graffiti 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 be authorized to enter upon your property and remove or paint over the graffiti. The costs of the abatement by the City's employees or its private contractors may be assessed upon your property and such costs will constitute a lien upon the land until paid.

A full copy of San Diego Municipal Code section 95.0127 is attached. Please note that you have a right to appeal our determination that the graffiti is a public nuisance within ten (10) days of the mailing or personal service of this notice.

No change in subsections e. through h.

**i. Reimbursement.**

1. The Abatement Official shall adopt procedures to obtain reimbursement for the costs of abatement from the violators of subsection (c); provided, however, no

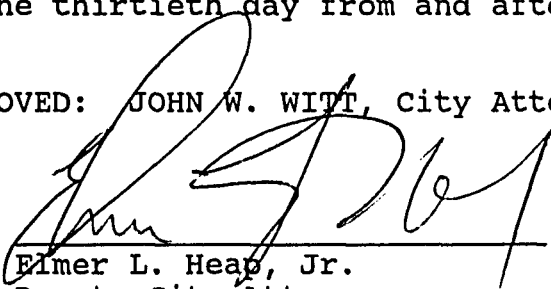
costs shall be assessed against any property owner who was not responsible for, or who did not cause, the placement of the graffiti on the affected premises.

2. Any act of willful misconduct of a minor who violated subsection (c) and which willful misconduct caused damage to property, not in excess of \$10,000, shall cause the parent or guardian, having custody and control of the minor, to be jointly and severally liable with the minor for any damages resulting from the willful misconduct. The City Manager shall have the authority to seek reimbursement for victims' of unauthorized graffiti placement pursuant to Civil Code section 1714.1(b).

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Elmer L. Heap, Jr.  
Deputy City Attorney

ELH:smm  
03/11/92  
Or.Dept:Council  
0-92-122  
Form=o.code

#407  
50

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

MAR 30 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/> **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*\* (On that portion of the ordinance referring to the parent or guardian being responsible for a minor's action, Mayor O'Connor voted Nay).

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By: *Linda Luzano*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 16 1992

, and on

MAR 30 1992

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By: *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17751** Adopted **MAR 30 1992**

RECEIVED  
92 MAR 13 AM 11:56  
CITY CLERKS OFFICE  
SAN DIEGO, CA

MAR 13 1992

MAR 13 1992

MAR 13 1992

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
92 APR 17 AM 10:33  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C ST., 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5,...

**ORDINANCE NUMBER 0-17751**  
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5, OF THE  
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION  
95.0127 RELATING TO GRAFFITI ABATEMENT PROCEDURE.  
The ordinance amends San Diego Municipal Code section 95.0127  
pertaining to Graffiti Abatement Procedure. It amends the definition of  
"Abatement Official." It changes the notice given to property owners to  
remove graffiti located on their property. It requires the parents of minor  
children to be civilly liable for property damage caused by their minor  
children pursuant to Civil Code section 1714.1(b).  
A complete copy of this ordinance is available for inspection at the City  
Clerk's office, City Administration Building, 202 C Street, 2nd floor, San  
Diego, CA 92101.  
INTRODUCED ON MAR 16 1992  
Passed and Adopted by the Council of The City of San Diego on  
MAR 30 1992  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City  
of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City  
of San Diego, CA  
By Linda Lugano, Deputy  
Pub. Apr. 13 245910

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17751

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

APRIL 13

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13<sup>TH</sup> day of APRIL, 19 92.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

45/8" = 62.92