

ITEM 11.B.

ORDINANCE NO. 423

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING SECTION 8.14.140 (PROHIBITION AGAINST MAINTAINING GRAFFITI ON PRIVATE PROPERTY), OF CHAPTER 8.14 (GRAFFITI), OF TITLE 8 (HEALTH AND SAFETY), OF THE MOORPARK MUNICIPAL CODE AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

WHEREAS, Chapter 8.14 of the Moorpark Municipal Code identifies the need to quickly remove graffiti from public and private property; and

WHEREAS, under Section 8.14.140, private property owners are required to abate graffiti quickly, even in areas that are not highly visible to the general public, including public alleys; and

WHEREAS, the City Council desires to allow more time for single-household and two-household (duplex) residential property owners to remove graffiti when it is only visible from public alleys, or public or private property not accessible by the general public; and

WHEREAS, the Community Development Director has found that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Code of Regulations (CEQA Guidelines) by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. This ordinance amends the Municipal Code provisions by increasing to 21 days the time by which graffiti from private property must be removed in certain specified instances only where the graffiti is not highly visible to the general public. This ordinance still requires the graffiti to be abated by the property owner in a timely manner. No significant short-term or long-term aesthetic effect would result from the change in timing for graffiti abatement under the limited circumstances. In this case, it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant impact on the environment.

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

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council has reviewed the Community Development Director's determination that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Code of Regulations (CEQA Guidelines) by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. This ordinance amends the Municipal Code provisions by increasing to 21 days the time by which graffiti from private property must be removed in certain specified instances only where the graffiti is not highly visible to the general public. This ordinance still requires the graffiti to be abated by the property owner in a timely manner. No significant short-term or long-term aesthetic effect would

result from the change in timing for graffiti abatement under the limited circumstances. In this case, it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant impact on the environment. The City Council, based on its own independent judgment, concurs with staff's determination of exemption.

SECTION 2. Section 8.14.140 (Prohibition against maintaining graffiti on private property), of Chapter 8.14 (Graffiti), of Title 8 (Health and Safety), of the Moorpark Municipal Code is hereby amended as shown in Exhibit A.

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 16th day of October, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A: Amendment to Section 8.14 of the Moorpark Municipal Code

EXHIBIT A

**Title 8 Health and Safety
Chapter 8.14 Graffiti**

8.14.140 Prohibition against maintaining graffiti on privately owned property.

A. It is unlawful for the owners and/or persons in possession of privately owned property to permit graffiti or other inscribed material capable of being viewed from any public right-of-way within the city to remain on such property for more than ~~seventy-two (72) hours~~ five (5) days after written notice from the city is served to remove the same, except as provided in subsection B, below.

B. It is unlawful for the owners and/or persons in possession of property used for a single-household or two-household (duplex) residence to permit graffiti to remain on such property for more than twenty-one (21) calendar days after written notice from the city is served to remove the same where graffiti thereon can only be seen from a public alley or from public or private property not accessible by the general public,

BC. When paint is used to cover graffiti on private property, paint matching the original surface color of the damaged item shall be utilized.

D. Written notice pursuant to this chapter is served and complete at the time of deposit of a copy of the notice in the U.S. mail or when personal service of the notice is effectuated.

- End -