

ORDINANCE NO. 3158

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ADDING CHAPTER 9.34 ("GRAFFITI") TO TITLE 9 ("PUBLIC PEACE, MORALS AND WELFARE") OF THE WHITTIER MUNICIPAL CODE PROHIBITING THE INSCRIPTION OF GRAFFITI WITHIN THE CITY AND AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE CITATIONS TO THE PARENTS OR LEGAL GUARDIANS OF MINORS WHO VIOLATE THIS PROHIBITION

WHEREAS, the City of Whittier, pursuant to its police power, may enact regulations for the public peace, health, welfare and safety of the City; and

WHEREAS, adoption and enforcement of administrative citations lies within the City's police power; and

WHEREAS, the City has received numerous complaints regarding the presence of graffiti on both public and private buildings, structures, and in other places that create conditions of blight within the City; and

WHEREAS, the City Council finds and declares that the presence of graffiti on private and public property is a blighting element that leads to depreciation of the value of property and that graffiti is a public nuisance that must be eliminated quickly in order to avoid is detrimental impact and to prevent the further spread of graffiti; and

WHEREAS, Government Code section 53069.3 provides the City with authority to implement procedures for removing and preventing graffiti, including procedures to recover funds used to remove graffiti; and

WHEREAS, Government Code section 38772 provides that the City may hold the parent or guardian of a minor financially liable for the expense of graffiti abatement; and

WHEREAS, acts of graffiti are often committed by persons under the age of eighteen (18) years, or minors, using aerosol containers of spray paint or felt-tip markers, or both; and

WHEREAS, California law establishes that parents and legal guardians of minors have affirmative legal duties toward their minor children. Most fundamentally, parents and legal guardians must exercise reasonable care, supervision, protection, and control over a minor child's conduct. Parents and legal guardians may be held financially responsible for a minor child's misconduct; and

WHEREAS, the City Council finds that it is in the public interest to prohibit the inscription of graffiti within the City and to enforce this graffiti prevention, prohibition, and removal ordinance against those responsible for causing or maintaining graffiti, including

parents and legal guardians of minors who have caused, permitted, aided, and/or abetted graffiti within the City.

**THE CITY COUNCIL OF THE CITY OF WHITTIER DOES ORDAIN AS FOLLOWS:**

SECTION 1: Municipal Code Amendment. Chapter 9.34 ("Graffiti") is hereby added to Title 9 ("Public Peace, Morals and Welfare") of the Whittier Municipal Code as follows:

Chapter 9.34 - Graffiti

9.34.010 – Purpose

It is the purpose and intent of the City Council, through the adoption of this chapter, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement. Such acts are destructive of the rights and values of private property owners as well as of the entire community.

9.34.020 – Definitions

"Graffiti" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, painted or engraved on or otherwise glued, posted, or affixed to or on any surface of any public or private real or personal property within the City.

"Minor" means any person under the age of 18 years.

"Responsible party" means any minor (or parent or guardian of a minor) or other person who causes or permits the application of graffiti or other inscribed material.

"Structure" means any structure as defined in the City's building code, and shall include, but not be limited to, buildings, walls, fences, sidewalks, curbs, poles, signs, and cargo/shipping containers.

9.34.030 – Graffiti Prohibited

It shall be unlawful for any person to cause, place, affix, spray, apply, etch, engrave, scratch, draw, paint graffiti that is visible from any public or private property, including on any structure, building, improvement, tree, shrub, or vehicle. It shall also be unlawful for any person to aid or abet in the acts prohibited by this section.

9.34.040 – Parental Responsibility

A. Pursuant to California Civil Code Section 1714.1(b), where graffiti is applied by an un-emancipated minor, the parents or legal guardian of the minor shall be jointly

and severally liable for payment of civil damages resulting from the misconduct of the minor in an amount not to exceed the amount specified in California Civil Code Section 1714.1(b) as it may be adjusted.

B. The City may also pursue enforcement against the parent or legal guardian of the minor who causes or permits the application of graffiti or other inscribed material, via an administrative citation and fine, as provided in Chapter 1.09 of this Code.

#### 9.34.050 – Penalties

A. Criminal Penalties. Any violation of this chapter shall constitute a misdemeanor offense and subject to the penalties set forth in Chapter 1.08 of this Code.

B. Administrative Penalties. Any violation of this chapter shall be subject to the administrative penalties set forth in Chapter 1.09 of this Code.

C. Cumulative Remedies. The remedies provided in this chapter are in addition to other criminal, civil, or administrative remedies and penalties available under provisions of other applicable City ordinances, the laws of the State of California, or the laws of the United States.

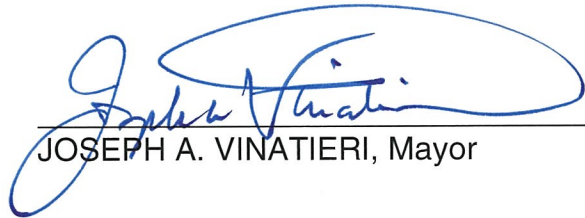
SECTION 2: Repeal of Inconsistent Sections. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3: Environmental Review. The Council finds that adoption of this ordinance is not a "project" pursuant to California Public Resources Code Section 21065 because this ordinance merely adds additional reporting requirements as a condition to the issuance of building permits, and there is no reasonable basis to conclude that this ordinance may cause a significant effect on the environment, thus no environmental review under the California Environmental Quality Act is required.


SECTION 4: Severability. If any section, subsection, clause or phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance. The City Council of Whittier hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5 Attestation: The City Clerk shall certify to the passage and adoption hereof. This Ordinance shall take effect 30 days after its adoption and shall be published pursuant to law.

APPROVED AND ADOPTED this 23rd day of July 2024.


  
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JOSEPH A. VINATIERI, Mayor

ATTEST:

  
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RIGOBERTO GARCIA JR., City Clerk

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3158 was introduced on the 9th day of July 2024, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 23rd day of July 2024, by the following vote:

AYES: 5 Council Members: Vinatieri, Warner, Martinez, Dutra, Pacheco  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
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RIGOBERTO GARCIA JR., City Clerk  
(seal)