

ORDINANCE NO. 2-09

AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND
AMENDING SUBSECTION 9.42.070(A) OF THE RICHMOND
MUNICIPAL CODE RELATING TO GRAFFITI ABATEMENT

The City Council of the City of Richmond do ordain as follows:

SECTION 1: Subsection 9.42.070(a) of the Richmond Municipal Code is hereby amended to read as follows:

Section 9.42.070. Removal of graffiti

(a) Whenever the Public Works Director, or his or her designee, determines that graffiti exists on any building, structure, pole, post, fence, sidewalk or other structure in the City which is visible from the public right-of-way, or public and/or private property, the Director shall immediately notify the owner(s) of such property and the person(s) in possession or control of such property (if different from the owner) in writing that the graffiti must be removed or painted over within three (3) days of the date on the notice and that if they fail to comply the City shall remove or paint over the graffiti and assess all costs of the graffiti abatement to the owner. The notice shall be served on the owner and person in possession and control by either personal delivery or by certified mail at the last known address as the same appears on either City or County property records. If service is by mail, the service shall be deemed to be received at the time of such deposit in the United States mail. Whenever physically possible, a copy of the notice shall also be posted on the subject property. The written notice shall be served and the premises posted no less than three (3) days prior to any abatement action being taken by the City.

SECTION 3. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinance or the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 4: CEQA

Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), the City Council finds that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b) (3).

SECTION 5. This Ordinance becomes effective 30 days after its final passage and adoption.

First read at a regular meeting of the City Council of the City of Richmond held on December 16, 2008, and finally passed and adopted at a regular meeting thereof held January 20, 2009, by the following vote:

AYES: Councilmembers Butt, Ritterman, Rogers, Viramontes, Vice-Mayor Lopez, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmember Bates

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 2-09 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on January 20, 2009.