

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE CITY OF MARINA TO AMEND TITLE 8,
ARTICLE OF THE MARINA MUNICIPAL CODE TO ADD CHAPTER 8.70
PUBLIC NUISANCE.

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1. The Community Development Department (CDD) for the City of Marina (City), through its regular use and implementation of the Marina Municipal Code (MMC), discovered that Public Nuisance Ordinance (PNO) has not been established.

2. Through this amendment, the City seeks to modernize the MMC and create a process to abate blighted properties and nuisance conditions on public and private properties that is in common with other California municipalities.

3. The amendment will give staff, including the new Code Enforcement Officer, an enforcement tool to address blighted properties and nuisances in the City.

4. The proposed PNO will use the administrative citations in Section 1.12.050 for properties in violation of the code and cost recovery will be provided for abatement actions. No change to the adopted fee schedule is required to accommodate this amendment to the MMC.

5. The City Council desires to amend the MMC to promote the health, safety, and general welfare of the public by requiring a level of maintenance of private and public property that is not currently in the MMC.

6. The proposed ordinance adds new Chapter 8.70 (Public Nuisance), to MMC Title 8, Health and Safety of the MMC.

7. The Planning Commission held a duly noticed informational item on the Ordinance amendment on January 25, 2024.

8. The City Council held a duly noticed public hearing on the Ordinance amendment on April 16, 2024.

9. This Ordinance is not subject to environmental review pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Article 5, Sections 15060(c)(2) and 15061(b)(3) because the activity would not result in a direct or reasonably foreseeable indirect physical change in the environment and the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the proposed action merely updates the Municipal Code to provide additional methods for the City to abate public nuisances, there is no possibility that the activity

in question may have a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA, and no further environmental review is necessary.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City Council hereby amends the MMC to add Chapter 8.70, as follows:

**Chapter 8.70
PUBLIC NUISANCE**

Sections:

8.70.010 Purpose.

8.70.020 Definitions.

8.70.030 Property owner duty to abate nuisance.

8.70.040 Enforcement responsibility – Delegation of authority.

8.70.050 Nuisance defined.

8.70.060 Unlawful nuisance on public property.

8.70.070 Right of entry.

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8.70.090 Notice to property owner of abatement of nuisance.

8.70.100 Appeal procedure--Administrative hearing.

8.70.110 Abatement by city manager upon default of property owner.

8.70.120 Hearing Officer's decision final -- Judicial review.

8.70.130 Summary specific abatement – Imminent danger.

8.70.010 Purpose.

The purpose of this Chapter is to promote the health, safety, and general welfare of the public by requiring a level of maintenance of residential, commercial, and industrial property which will protect and preserve the livability, appearance, and social and economic stability of the city and which will also protect the public from the health and safety hazards and the impairment of property values which results from the neglect and deterioration of property.

This chapter is not intended to be applied, construed, or given effect in a manner that imposes upon the city, or upon any officer or employee thereof, any duty towards persons or property within the city or outside of the city that creates a basis for civil liability for damages, except as otherwise imposed by law.

8.70.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Abatement costs" means all specific abatement costs, including reasonable reinspection fees prescribed by city council resolution, administrative and incidental expenses. "Incidental expenses" includes, but is not limited to, personnel costs, both direct and indirect, costs incurred in inspecting the property, in documenting the nuisance, the actual expense to the city for the preparation of notices, preparation of specifications and contracts for abatement and the inspection of the work, the costs of printing and mailings required hereunder, and attorneys' fees pursuant to Cal. Gov't Code § 38773.5.
- B. "Administrative order" means specific conditions imposed on the property owner by the city manager as a condition of continued operation or occupancy of the property. Administrative orders shall be reasonably calculated to resolve the nuisance condition and may include, but are not limited to, modification of management practices and the physical character of the property.
- C. "Attractive nuisance" means property which is in an unsecured state to potentially constitute an attraction to children or other unauthorized persons, or to enable persons to resort there for the purpose of committing a nuisance or unlawful act.
- D. "Building/structure" means any structure, including but not limited to any house, garage, duplex, apartment, condominium, stock cooperative, mobile home, fence, wall, temporary structures, or other residential structure, and any commercial, industrial, or

other establishment, warehouse, kiosk, or other structures affixed to or upon real property used for the purpose of dwelling, business, storage, or other activity.

- E. “City manager” shall mean, for the purposes of this code, the City manager and as necessary in consultation with the Community Development Director, Fire Chief, the Building Official, and / or the Chief of Police.
- F. “Commercial establishment” means a for-profit, nonprofit, or not-for-profit organization or institution offering goods or services to the public on a retail, wholesale or charitable basis including mail order, television, radio, Internet and other electronic or light beam impulse device, merchandiser, or service provider.
- G. “Common area” means an entire common interest development as defined in Cal. Civ. Code § 1351, except the separate interests therein.
- H. “Homeowners’ association” means any California corporation, nonprofit mutual benefit corporation or unincorporated association created for the purposes of controlling, managing, or maintaining the common areas of a common interest development defined in Cal. Civ. Code § 1351.
- I. “Person” means any individual, firm, partnership, corporation, association or any other organization or entity, however formed. “Person” also includes any public entity or agency that acts as a property owner in the city, other than the City of Marina.
- J. “Property” means all residential, industrial, commercial, and other real property, including but not limited to front yards, side yards, rear yards, driveways, walkways, alleys, private parks, private parklets, common areas and sidewalks, and shall include any building, wall, fence, or other structure, whether fixed or moveable, located on such property.
- K. “Property owner” means any person, whether individual(s) or legal entity(ies), having legal record ownership of the subject property, or effective possession or control of the property, or the person(s) having responsibility for maintenance or management of the subject property, including but not limited to fee owners, lessees, occupants and homeowners’ associations. A homeowners’ association or a property management company which exercises control or management over a common area shall be deemed a property owner of such common area.

- L. “Specific abatement” includes, but is not limited to, closure of all business activity, vacating of the premises, imposition of administrative orders, revocation of business application and occupancy permits, demolition, removal, repair, maintenance, construction, reconstruction, replacement or reconditioning of structures, appliances or equipment; removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of attracting or harboring rodents or insects or producing odors or blight.
- M. “Substantial abatement” means continuous and consistent progress made by, or caused by, the property owner toward abatement of the conditions described in the abatement notice, which is commenced within the time for abatement stated in the notice and which is reasonably calculated to achieve full abatement in the near future.

8.70.030 Property owner duty to abate nuisance.

- A. Every owner of real property within the city shall manage their property in a manner to avoid violation of this code. The property owner shall be liable for violations thereof regardless of any contract or agreement with any third party regarding the property. When there are multiple property owners, the property owners shall have joint and several liability.
- B. Every property owner in the city is required to conduct all activities in a manner to avoid violation of this code and to correct any nuisance condition.
- C. It shall be the duty of every property owner to keep all parcels of land under the property owner’s possession or control, free of nuisance conditions.

8.70.040 Enforcement responsibility – Delegation of authority.

The city manager or their designee is charged with the responsibility for the enforcement of this chapter. All city employees with enforcement responsibilities are authorized to make such inspections and take any actions on behalf of the city manager as may be required to enforce the provisions of this chapter.

8.70.050 Nuisance defined.

The existence of any one or more of the following conditions or activities on any property is a public nuisance for the purposes of this chapter. In addition to the conditions and activities identified herein, any condition or activity defined as a public nuisance in the Marina Municipal

Code is a nuisance for the purpose of this chapter and may be abated pursuant to the provisions of this chapter.

A. Abandoned Building or Structure.

1. A building or structure which is not being inhabited, occupied or used and which is unsecured. For the purposes of this chapter, a building or structure is unsecured when the public can gain entry without the consent of the owner.
2. A partially constructed, reconstructed, burned, or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for a period of six (6) months or more.

B. Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act.

C. A building or structure which is in a state of disrepair such that any one or more of the following conditions is found to exist thereon:

1. Exterior wall and/or roof coverings which have become deteriorated and do not provide adequate weather protection, resulting in termite infestation and/or dry rot.
2. Broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers.
3. Building exteriors, walls, fences, signs, retaining walls, driveways, walkways, sidewalks, or other structures on the property which are burned by at least 25% of the gross floor area, broken, deteriorated, or substantially defaced, to the extent that the disrepair is visible from any public right of way or visually impacts neighboring public or private property or presents an endangerment to public safety.
4. Occupied buildings whose doors or windows are boarded up or covered with tarps or similar opaque material, except as otherwise directed or approved by the city manager or designee.
5. Materials such as tarps or similar nonpermanent articles on roofs for more than 30 days, except as otherwise directed or approved by the city's city manager or designee.

6. Unoccupied buildings which are unsecured.
7. Any violations of California Health & Safety Code § 17920.3 (Substandard building; conditions).

D. Property Inadequately Maintained.

1. Overgrown, diseased, dead, or decayed trees, weeds, vegetation, or dilapidated structures that:
 - a. Harbors rats, vermin, or other vectors for disease; or
 - b. Substantially detract from the aesthetic and property values of neighboring properties; or
 - c. Obstruct public right-of-way or sidewalk or obscure the necessary view of drivers or pedestrians on public streets or private driveways; or
 - d. Constitute a fire hazard or other condition that is dangerous to the public health, safety, or welfare.
2. Solid waste, which includes “garbage,” “refuse” and “rubbish” and all “solid waste” as additionally may be defined in this Code, constitutes blight and blighted property in the following situations:
 - a. The accumulation of solid waste is visible from a street or public right-of-way, is not enclosed in a city-approved container, and is present for more than seventy-two (72) consecutive hours; or
 - b. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind, into the ground or groundwater system, or otherwise onto or upon any public street, public right-of-way, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code; or
 - c. Accumulation of garbage, litter, bins, boxes, construction debris, bags, dirt, used motor oil, or other debris; or
 - d. Broken or discarded furniture, household furnishings, appliances, equipment, or other items intended for inside use; or

- e. Washers, dryers, refrigerators, freezers or other appliances or similar items on the property that is viewable from the public right-of-way; or
 - f. Junk, trash, shopping carts, salvage materials, scrap metal, bottles, cans, wire, paint cans, or other debris kept on the property except recycling materials contained in an enclosed non habitable structure or appropriate container; or
 - g. Fuel tanks, storage tanks or cylinders for any type of liquid, vapor, or gas, or other such containers which are not in an approved and enclosed structure, connected to a gas appliance or attached to a recreational vehicle, camper, or camping trailer; or
 - h. Attractive nuisances or any dangerous machinery or conditions including, but not limited to, abandoned, broken or neglected equipment, tools, and vehicle repair equipment; or
 - i. The storage of construction materials on a construction site for more than 30 days where there is no ongoing construction activity.
3. Any swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted or becoming a breeding ground for mosquitos. Polluted water is defined for the purpose of this chapter, as water which contains organic growth, including algae, remains of rubbish, refuse, debris, papers, and any other foreign matter or materials, which, because of its nature or locations, constitutes an unhealthy or unsafe condition.

E. Any fire hazard as defined in California Code of Regulations Title 19, Division 1.

8.70.060 Unlawful nuisance on public property.

It shall be unlawful for any property owner to maintain or to allow to be maintained property for any purpose so as to create any of the following conditions on adjacent or contiguous public property:

- A. The discarding of furniture, appliances, containers of used motor oil, car batteries, tires and other household waste upon a public street, right-of-way or other public property;
- B. The depositing or spilling of debris, including trash, paper, wood, plant cuttings and other vegetation onto the public right-of-way or other public property;
- F. The depositing of mud, dirt, sand, gravel, or concrete onto the public right-of-way;

- G. The existence of any condition or use which unlawfully obstructs the free passage or use of any public right-of-way, street, or sidewalk; and
- H. Newspaper and magazine racks, stands or boxes that are in disrepair with broken or missing doors, or broken glass, deteriorated exterior, or defaced with graffiti, or stickers.

8.70.070 Right of entry.

In the event that the property owner fails to consent to the City entering their property for the purposes of inspecting and/or abating a nuisance under this chapter, the City may obtain a warrant, to the extent legally required, from any court having jurisdiction if cause exists pursuant to Code of Civil Procedure Section 1822.52 to issue said warrants.

8.70.080 Declaration of public nuisance – Remedy by civil penalty or infraction citation

- A. Any property found to be maintained in violation of Section Sections 8.70.050 or 8.70.060 is hereby declared to be a public nuisance and may be abated pursuant to the procedures set forth in this chapter. The procedures for abatement set forth in this chapter shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law including citations for infractions or civil penalties.
- B. Property nuisances determined pursuant to this chapter may be remedied by an infraction citation as provided in Chapter 1.08 (Code Violations – Penalties) or by civil penalties as provided in Chapter 1.12 (Administrative Fines). Whenever civil penalty citations are used to remedy nuisances, the procedures of Section 1.12.050 shall apply. This includes the administrative hearing procedures in Section 1.12.090.

8.70.090 Notice to property owner of abatement of nuisance.

Whenever the city manager or their designee determines that property in the City is maintained as a nuisance as provided for in this chapter and that abatement of such nuisance is to be required, the city manager or their designee may:

- A. Provide written notice to abate to the property owner in the manner and in the form provided in this chapter.
- B. The notice shall state the proper street address of the subject property and should be served personally to the property owner or by certified mail, postage prepaid, return

receipt requested. Additionally, one copy of the notice shall be conspicuously posted on the property.

- C. The notice shall advise the property owner of a reasonable time limit in which the property owner shall take corrective action to remedy the nuisance. In no event shall the property owner be given less than seven (7) days, and no more than 60 days to take corrective action, except where there is an immediate threat to public health or safety when shorter notice may be prescribed pursuant to Section 8.70.130. The property owner must commence the corrective action requested in the notice within 30 days of the date of the notice. The City may waive the time limits of this subsection if a natural disaster, such as, fire, flood or earthquake interferes with the owner's ability to complete the corrective action within the specified time, or the work to be performed is inherently of a nature which cannot reasonably be completed within the time limits.
- D. The notice shall specify the section of law violated and state all the facts constituting the nuisance.
- E. The notice shall specify the corrective action required, including temporary corrective action when appropriate, and inform the property owner of City programs if available. The corrective action shall be such that it eliminates the adverse impact of the property on the neighborhood and/or eliminates the contribution of that property to the dilapidated or deteriorated appearance of the neighborhood as determined by the city manager or their designee.
- F. The notice shall advise the property owner that failure to correct the violation may result in the City's correcting the violation and collecting the charges by billing or by lien on the property.
- G. The notice shall advise the property owner of the right to file an appeal within 15 working days if the owner seeks to challenge the charge that a nuisance exists. Appeals shall be conducted in the manner provided for appeal of administrative fines in Chapter 1.12.
- H. The notice shall advise the owner they must either correct the violation or request an appeal in order to avoid City abatement and liability for cost of abatement.
- I. The notice shall advise the owner that failure to appeal shall constitute waiver of the right to an administrative hearing to contest the charge of nuisance.

- J. The notice shall indicate whether the city has elected to seek, as a part of abatement costs, reasonable attorneys' fees incurred in abating the nuisance. Such notice shall also state that if the city elects to seek reasonable attorneys' fees, the prevailing party may be entitled to seek reimbursement of reasonable and necessarily incurred attorneys' fees, provided any such fees awarded against the city shall not exceed the amount of reasonable attorneys' fees incurred by the city.

8.70.100 Appeal procedure--Administrative hearing.

The property owner may appeal the nuisance determination to the City by filing an appeal within 15 working days of the date of mailing of the notice to abate. The appeal shall identify the property and state the objections together with all material facts in support thereof. Nuisance determination appeals shall be conducted in the manner provided for appeal of administrative fines in Chapter 1.12.

8.70.110 Abatement by city manager upon default of property owner.

If abatement of the nuisance has not been commenced and prosecuted to completion with due diligence as required by the written hearing decision, the city manager, or their designee, shall forthwith abate or cause to be abated the nuisance upon the premises and the abatement cost thereof shall be billed to the property owner. Payment of the abatement cost shall be due within 30 days of the mailing date. A property owner has the right to appeal the cost of abatement within 15 working days, in the manner provided for appeal of administrative fines in Chapter 1.12. The full payment of the abatement must be paid prior to the appeal hearing. If the costs are lowered after appeal, then the City shall refund those amounts within 30 days of the decision.

8.70.120 Hearing Officer's decision final -- Judicial review.

The hearing officer's decision shall be final and shall only be subject to judicial review in the manner provided for judicial review of administrative fines in Section 1.12.100 and the Code of Civil Procedure Sections 1094.5 and 1094.6.

8.70.130 Summary specific abatement – Imminent danger.

- A. If the city manager or their designee determines that any nuisance constitutes an immediate threat of serious injury or harm to persons or property that is likely to occur during the pendency of abatement proceedings, such official may cause the condition to be summarily abated in accordance with the procedures set forth in this section.

1. Actions taken to specifically abate imminently dangerous property nuisances may include, but are not limited to, any specific abatement action determined by the city manager to be necessary.
2. Summary specific abatement actions taken by the city manager shall be fully documented prior to or contemporaneously with specific abatement. Documentation may include photographs or drawings of the condition, and a written statement by city staff, and/or other firsthand witnesses as to the circumstance, condition or occurrence constituting the nuisance.
3. Whenever the city manager determines that summary specific abatement is justified by an imminently dangerous condition, circumstance, or occurrence, the city manager shall, if practicable, give immediate written notice to the property owner and personal or written notice to the occupant of the premises as to the nuisance. If the property owner cannot be located or fails to take prompt appropriate action to abate the nuisance, the city manager may proceed to take abatement action authorized in this chapter to the extent necessary to remedy the immediate danger without further notice or right to a prior hearing.
4. No imminently dangerous building or property shall be abated by demolition unless the order is based on a competent declaration under penalty of perjury by the city manager or the building official, describing the specific conditions existing in the structure which justify the demolition.
5. Prior to any demolition as provided for in this chapter, the property owner may submit engineering or other information supporting preservation of the building rather than demolition. Such data or information shall be submitted to the city manager within five (5) working days after the declaration of substandard building is received by the property owner. The city manager shall have no duty to withhold demolition in an emergency situation.
6. Once summary specific abatement action has been completed, the property owner may appeal the need for abatement action, and/or the abatement cost, in the manner provided for appeal of administrative fines in Sections 1.12.090 and 1.12.100, within 15 working days after service, by certified mail, postage prepaid, of the statement of abatement cost. No abatement cost shall be assessed against a property owner under this section if the city hearing officer makes a finding, based on the objections and

protests, that the property owner did not create, acquiesce in, or allow to continue the nuisance which created the need for summary specific abatement or was otherwise not at fault.

7. The procedures provided in this section shall not apply in the circumstances of a disaster event as described in Section 2.20.020.

B. Nothing in this chapter shall prevent public safety officials from taking any and all actions in emergency situations they deem necessary or appropriate in order to protect the public health, safety and general welfare.

8.70.140 Collection of abatement costs.

Upon completion of the abatement work and appeal proceedings related to the report of costs served, if the property owner does not pay the abatement costs within the specified time, the city manager or their designee may either:

- A. Pursuant to and in accordance with Government Code § 38773.1, cause a lien to be charged against the parcel. Once payment in full is received by the city, the city shall provide the record owner with a notice of satisfaction so they may record the notice with the County Recorder. Recordation of the notice of satisfaction shall cancel the city's lien; or
- B. Pursuant to and in accordance with Government Code § 38773.5(a), cause a copy of the report of costs to be transmitted, together with a copy of the final decision (if applicable) confirming the same, to the County Treasurer-Tax Collector, who shall add the amount of abatement costs, or unpaid portion thereof, to the next regular tax bill as a special assessment, for the municipal purposes, against such parcel. The amount of the assessment shall be collected at the time and in the manner as ordinary municipal taxes. If such assessment is delinquent, the amount shall be subject to the same interest and penalties and procedure of foreclosure and sale provided for ordinary municipal taxes and the property may be sold after three years by the County Treasurer-Tax Collector for unpaid delinquent assessments. Notice shall be provided, by certified mail, to the property owner and shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the County Treasurer-Tax Collector for unpaid delinquent assessments.

SECTION 6. The City Manager is directed to execute all documents and to perform all other necessary acts to implement this Ordinance.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance introduced at a regular city council meeting held on April 16, 2024, and passed and adopted by the City Council of the City of Marina at a regular meeting duly held on May 7, 2024, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Visscher

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

ORDINANCE FINDINGS

General Plan Compliance

- 1) Consistency with General Plan Policy 2.3, paragraph 4: *Housing and Neighborhoods. Policies pertaining to the use of land for residential purposes are found in this section. Here can be found the policies and recommendations for accommodating projected population growth, providing housing to meet the needs of all income levels and of residents with special needs, and protecting and enhancing the quality of neighborhoods.*

Evidence: The addition of the proposed Public Nuisance Ordinance (PNO) will ensure that all property owners must keep a level of maintenance, which will protect the livability, appearance, and socioeconomic stability of the city as it grows.

- 2) Consistency with General Plan Policy 2.22: *The General Plan's housing and neighborhood policies and related programs have a dual function: to protect and enhance the quality of the City's existing housing stock and neighborhoods; and to accommodate a fair and reasonable share of the region's growth over the next 20 years. The latter function should take place in a manner which responsibly addresses a full range of concerns, among which are: [...] (3) concerns related to quality of life, including community appearance and housing and neighborhood stability; and (4) socio-economic concerns related to affordability of housing, community diversity, a balance of housing with local jobs, and the maintenance of a sound fiscal base for the community. [...]*

Evidence: The addition of an PNO will protect the current and future neighborhoods from health and safety hazards and the impairment of property values which results from the neglect and deterioration of property.

Marina Municipal Code (MMC) Compliance

- 1) Consistency with MMC Chapter 8.22 (Parking and Storage of Vehicles, Boats and Parts in Residential Areas), Finding and purpose: *It is found and determined that the parking and storage of vehicles, motor vehicles, trailers and boats and the parts thereof within the front and side yards of premises in residential areas within the city creates a condition which detracts from the appearance of residential neighborhoods and reduces the value of private property, promotes blight and deterioration, creates fire hazards, constitutes an attractive nuisance which creates a hazard to the health and safety of minors, and is injurious to the health, safety and general welfare.*

Evidence: The proposed ordinance will support this chapter that specifically addresses the blight and nuisance of parking and storage of vehicles in a way that detracts from the appearance of a residential neighborhood. The PNO expands the definition of blight and nuisance to include abandoned buildings or structures, other attractive nuisances on properties, buildings, or structures in a state of disrepair, properties inadequately maintained, and fire hazards. Further, the PNO also includes nuisance

conditions on public property such as dumping household items and obstructing the public right-of-way.

- 2) Consistency with MMC Chapter 12.28 (Graffiti): *The existence of graffiti tends to encourage other acts of malicious vandalism and may breed community discontent leading to other forms of criminal activity. The council finds and determines the graffiti is obnoxious and a public nuisance and that unless it is removed expeditiously from public and private property, it tends to remain. Other properties then become the target of graffiti with the result that entire neighborhoods are affected, and the entire community depreciates in value and becomes a less desirable place to live.*

Evidence: The proposed ordinance is consistent with this chapter's definition of a nuisance condition. Therefore, the proposed ordinance will expand the tools to abate it. Therefore, both the Graffiti chapter and the proposed ordinance protect the livability, appearance, and socioeconomic stability of the city.