



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** November 18, 2008  
**TO:** Mayor and City Council  
**FROM:** Deputy City Clerk  
**SUBJECT:** Adoption of an Ordinance Repealing and Replacing Article 11 of Chapter 3 of the Hayward Municipal Code Relating to Graffiti Prevention and Abatement

**RECOMMENDATION**

It is recommended that the City Council adopts the attached Ordinance.

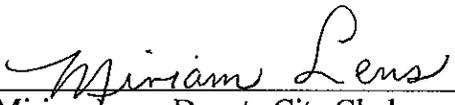
**BACKGROUND**

The ordinance was introduced by Mayor Sweeney at the October 28, 2008, meeting of the City Council with the following vote:

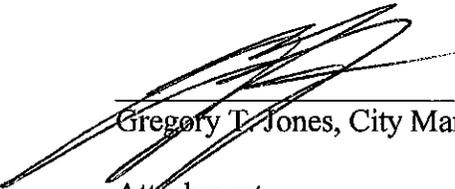
<b>AYES:</b>	<b>Council Members:</b>	Zermefio, Quirk, Halliday, May, Dowling, Henson
	<b>Mayor:</b>	Sweeney
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	None
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on Saturday, November 1, 2008. Adoption at this time is therefore appropriate.

Recommended by:

  
\_\_\_\_\_  
Miriam Lens, Deputy City Clerk

Approved by:

  
\_\_\_\_\_  
Gregory T. Jones, City Manager

Attachment:  
Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY  
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE REPEALING AND REPLACING ARTICLE 11 OF CHAPTER 3 OF THE  
HAYWARD MUNICIPAL CODE RELATING TO GRAFFITI PREVENTION AND ABATEMENT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1 Upon the adoption of this ordinance, Chapter 3, Article 11, of the Hayward Municipal Code is hereby repealed and, in substitution thereof, a new Article 11 of Chapter 3 of the Hayward Municipal Code is hereby enacted to read in full as follows:

GRAFFITI PREVENTION AND ABATEMENT

- SEC. 3-11.00 TITLE
- SEC. 3-11.01 PURPOSES AND INTENT
- SEC.3-11.02 DEFINITIONS
- SEC. 3-11.03 GRAFFITI PROHIBITION
- SEC. 3-11.04 GRAFFITI VANDALISM PENALTY PROVISIONS
- SEC 3-11.05 POSSESSION OF GRAFFITI IMPLEMENTS BY MINORS
- SEC 3-11.06 DISPLAY, STORAGE, SALE AND CONVEYANCE OF GRAFFITI IMPLEMENTS TO MINORS
- SEC 3-11.07 CIVIL RESPONSIBILITY FOR DAMAGES FOR WRONGFUL SALE DISPLAY AND STORAGE
- SEC 3-11.08 SUSPENSION OR DELAY OF DRIVING PRIVILEGES
- SEC 3-11.09 PARENTAL CIVIL LIABILITY
- SEC 3-11.10 RECOVERY OF CITY FUNDS FROM GRAFFITI OFFENDERS
- SEC. 3-11.11 REMOVAL OF GRAFFITI
- SEC. 3-11.12 MANNER OF GIVING ABATEMENT NOTICE
- SEC.3-11.13 ADMINISTRATIVE HEARING
- SEC. 3-11.14 ABATEMENT BY CITY
- SEC. 3-11.15 ACCOUNT AND REPORT OF COSTS
- SEC. 3-11.16 NOTICE OF REPORT
- SEC. 3-11.17 CONFIRMATION HEARING
- SEC. 3-11.18 COLLECTION ON TAX ROLL
- SEC. 3-11.19 STAY OF PROCEEDINGS DURING CRIMINAL PROSECUTION
- SEC. 3-11.20 PROCEDURE NOT EXCLUSIVE
- SEC 3-11.21 EASE OF REMOVAL PROVISIONS
- SEC 3-11.22 GRAFFITI PREVENTION PROVISIONS

Section 2 Severability If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 3 In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days upon adoption.

Introduced at a meeting of the Hayward City Council held October 28, 2008, the above-entitled ordinance was introduced by Mayor Sweeney and by unanimous vote of the Council.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on November 18, 2008, at 8:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: November 1, 2008  
Angelina Reyes, City Clerk  
City of Hayward