

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REPEALING AND REPLACING SECTION 11-15 TO CHAPTER 1 (GENERAL) OF TITLE 11 (OFFENSES – MISCELLANEOUS) TO THE COSTA MESA MUNICIPAL CODE RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PROPERTY

WHEREAS, the city of Costa Mesa has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the city, Cal. Const. art. XI, § 7; and

WHEREAS, on March 4, 2014, the City Council of the City of Costa Mesa adopted Ordinance No. 14-02, establishing a rewards program for information leading the arrest and conviction of individuals who vandalize public property; and

WHEREAS, in adopting Ordinance No. 14-02, the City Council found that vandalism of public property within the City is a serious problem and that the public plays a crucial role in assisting the Police Department to apprehend persons who violate the law; and

WHEREAS, the City Council in adopting Ordinance No. 14-02 also found that members of the public are more likely to assist police in apprehending those who vandalize public property when they can receive a reward for doing so; and

WHEREAS, the City Council further finds that vandalism of private property is also a serious problem and that members of the public are more likely to assist police apprehend those who vandalize private property when they can receive a reward for doing so; and

WHEREAS, the City Council desires to extend its reward program to those who provide information leading to the apprehension of those who vandalize private property within the City of Costa Mesa; and

WHEREAS, Section 53069.5 of the California Government Code authorizes the City of Costa Mesa to offer and pay a reward for information leading to the apprehension of those who willfully damage or destroy any property.

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

Section 1: Section 11-15 (Reward for information leading to arrest and conviction

of person committing vandalism) of Chapter I (General) of Title 11 (Offenses - Miscellaneous) is hereby repealed and replaced as follows:

11-15. Reward for information leading to arrest and conviction of person(s) committing vandalism.

(a) For purposes of this section, the following terms have the following definitions:

1. "City" means the City of Costa Mesa.
2. "Parent or guardian" means a parent with legal custody, legal guardian, conservator, or relative caregiver of a minor. "Relative caregiver" means a relative, as defined in Section 6550(i) of the California Family Code, who assumes primary responsibility for the minor while the child is in the relative's care and control, and who is not a biological or adoptive parent.
3. "Property" shall mean any real or personal property owned or under the control of the City of Costa Mesa; or real or personal property, owned by any person, corporation, business or other entity, and which is located within the City of Costa Mesa.
4. "Police chief" means the chief of police for the Costa Mesa Police Department and shall include his or her designee.
5. "Vandalism" shall have the same meaning as Section 594 of the California Penal Code.

(b) Pursuant to Section 53069.5 of the Government Code, the city does hereby offer a reward of up to two thousand dollars (\$2,000.00) for information leading to the arrest and conviction of any person for violation of Penal Code Section 594 ("Vandalism; Punishment"), not to exceed one (1) reward of two thousand dollars (\$2,000.00) per violation. The exact amount of the award shall be determined by the police chief. In the event of multiple contributors of information for a single violation, the reward amount shall be divided by the city in the manner deemed appropriate by the police chief. For the purposes of this section, diversion of the offending violator to a community service program or a plea bargain to a lesser offense shall constitute a conviction. The chief of police may award up to five hundred dollars (\$500.00) to any person who provides credible information regarding any vandalism violation in the city which leads to probable cause for an arrest of an individual(s).

(c) Claims for rewards under this section shall be filed, processed, and paid in accordance with procedures established by the police chief.

(d) The person convicted of committing the vandalism offense shall be liable for any rewards paid pursuant to this section and, if that person is an unemancipated minor, the parent or guardian of the minor shall be jointly and severally liable for

any rewards paid pursuant to this section.

- (e) This section shall not apply to incidents of vandalism against private personal property that are perpetrated outside the boundaries of the City of Costa Mesa.

Section 2. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 the remaining portions of this Ordinance. The City Council of the city of Costa Mesa hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

PASSED AND ADOPTED this _____ day of _____, 2014.

Mayor

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk of the city of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, Interim City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 14-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2014, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the _____ day of _____, 2014, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2014.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa