

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal
Dept: City Manager
Subject: ORDINANCE AMENDING TITLE 1,
SECTION 1.04.090, OF THE
MUNICIPAL CODE

From: Thomas F. Nixon
Dept: City Attorney
Date: June 14, 2011

OBJECTIVE

Amendment of the Municipal Code to clarify that violations of state law constitute nuisances subject to City enforcement action.

BACKGROUND/DISCUSSION

The Municipal Code currently declares that violations of the code constitute public nuisances subject to abatement by the City. The proposed amendment clarifies that violations of state law and state regulations also constitute public nuisances and are subject to abatement and other enforcement actions by the City.

FINANCIAL IMPACT

There is no financial impact to the City by this action.

RECOMMENDATION

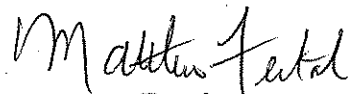
It is recommended that the City Council introduce and conduct the first reading of the attached Ordinance amending Title 1, Section 1.04.090, of the Municipal Code.



THOMAS F. NIXON
City Attorney

Attachment: Draft Ordinance

Recommended for Approval



Matthew Fertal
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
AMENDING SECTION 1.04.090 OF THE GARDEN GROVE MUNICIPAL CODE TO
CLARIFY THAT VIOLATIONS OF STATE LAW CONSTITUTE A NUISANCE

City Attorney's Summary

This Ordinance clarifies the penalty provisions of the Garden Grove Municipal Code to specify that violations of state law constitute a nuisance subject to City enforcement and abatement actions.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. Code Amendment. Section 1.04.090 of the Garden Grove Municipal Code shall be amended to read as follows:

"Section 1.04.090: Injunctive and Other Relief

Any continuing or repetitive violation of this code or any state law or regulation is declared to be a public nuisance and the City Attorney or authorized legal representative may with approval of the City Council commence an action for abatement thereof or other enforcement relating thereto in the manner provided by law. A civil action may be filed, whether or not criminal proceedings have been commenced for the same conduct."

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, 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 hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.