



AGENDA ITEM NO. 15

CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of August 28, 2018

Originating Department: Planning & Community Development

City Manager: Arnold Shadbehrr Planning Director: **Brian James**

SUBJECT:

Ordinance No. 2160 re-adopting Chapter 8.21 (Commercial Development Center Cleaning Schedules) to Title 8 (Health and Safety) of the Hawthorne Municipal Code, Requiring Cleaning Schedules for Commercial Developments.

RECOMMENDED MOTION:

Introduce Ordinance No. 2160 on August 14, 2018, and adopt Ordinance No. 2160 on August 28, 2018.

NOTICING PROCEDURES:

72 hours posted notice pursuant to the Ralph M. Brown Act.

FISCAL IMPACT:

None.

REPORT:

On November 28, 2017, the City Council adopted Ordinance No. 2152 adding a new Chapter 8.21 (Commercial Development Center Cleaning Schedules) to the Hawthorne Municipal Code to help address sanitation and cleanliness of commercial centers. Ordinance No. 2152 was automatically repealed as of June 28, 2018, six months after its effective date, as delineated in Ordinance No. 2152.

The proposed Ordinance would re-adopt Chapter 8.21 and would require a written cleaning schedule be created and maintained at commercial

development centers. The cleaning schedule would need to include a regular schedule for graffiti removal, building façade cleaning, stairway or elevator cleaning, cleaning of external landscaping, and litter removal. This Ordinance would require that litter removal be scheduled once every 12 hours, including weekends.

ENVIRONMENTAL:

Staff has determined that the adoption of this ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) in that it is a general policy and procedure for maintenance of the private property, and even if it were a project, it would be categorically exempt from CEQA pursuant to Section 15061(b)(3) in that it can be seen with certainty that the proposed ordinance does not have the potential to significantly impact the environment. The action is also categorically exempt under section 15308 (actions taken to ensure the maintenance, restoration or protection of the environment).

ATTACHMENTS:

Ordinance 2160

ORDINANCE NO. 2160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, RE-ADOPTING CHAPTER 8.21 (COMMERCIAL DEVELOPMENT CENTER CLEANING SCHEDULES) TO TITLE 8 (HEALTH AND SAFETY) OF THE HAWTHORNE MUNICIPAL CODE, REQUIRING CLEANING SCHEDULES FOR COMMERCIAL DEVELOPMENT CENTERS, AND ADOPTING FINDINGS RELATED THERETO

WHEREAS, on November 28, 2017, the City Council adopted Ordinance No. 2152 adding a new Chapter 8.21 (Commercial Development Center Cleaning Schedules) to the Hawthorne Municipal Code based on the recent decline in sanitation and cleanliness, including, but not limited to, the accumulation of trash and debris in common areas and parking lots; and

WHEREAS, Ordinance No. 2152 was automatically repealed as of June 28, 2018, six months after its effective date, as delineated in Ordinance No. 2152; and

WHEREAS, the decline in sanitation and cleanliness in these shopping centers (commercial development centers) continues to create an unsightly and unwelcoming appearance for residents and visitors, which deters additional patronage, is detrimental to property values in the area and encourages acts of vandalism and littering; and

WHEREAS, Section 7 of Article XI of the California Constitution provides that a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, pursuant to its police powers, the City of Hawthorne has the authority to enact regulations for the public peace, morals and general welfare of the City; and

WHEREAS, City Council has determined that there is a continued need to address a lack of sanitation and cleanliness at commercial development centers, which is hazardous and injurious to the public health, safety and the general welfare and that regulations related to maintenance, and specifically, regulations that require a cleaning schedule for commercial development centers will enhance habitability, occupancy, use and safety of these properties; and

WHEREAS, City Council wishes to approve this Ordinance re-adopting Chapter 8.21 (Commercial Development Center Cleaning Schedules) in order to preserve the public peace, safety and the general welfare of the City of Hawthorne.

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

SECTION 1. CEQA. The City Council has determined, based on its independent judgment and analysis, that the adoption of this ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) in that it is a general policy and

procedure for maintenance of the private property, and even if it were a project, it would be categorically exempt from CEQA pursuant to Section 15061(b)(3) in that it can be seen with certainty that the proposed ordinance does not have the potential to significantly impact the environment. The action is also categorically exempt under section 15308 (actions taken to ensure the maintenance, restoration or protection of the environment).

SECTION 2. Language. A new (re-adopted) Chapter 8.21 of Title 8 (Administration, Civil Service and Personnel) of the Hawthorne Municipal Code (“HMC”) is hereby added as follows:

CHAPTER 8.21 COMMERCIAL DEVELOPMENT CENTER CLEANING SCHEDULES

8.21.010 Purpose.

The purpose of this Chapter is to ensure that commercial development centers are consistently maintained in a clean, sanitary and aesthetically-pleasing manner in order to preserve property values, deter criminal activity, and encourage patronage.

8.21.020 Definitions.

“*Cleaning schedule*” shall mean a task sheet which lists cleaning tasks to be accomplished on a regular, fixed schedule upon all areas of the commercial development, including, but not limited to, common areas and parking lots.

“*Commercial development center*” shall mean and include shopping centers, strip malls, mixed use projects, or any other collection of commercial spaces that share parking, or access, or have reciprocal easements for parking or vehicular access, whether under a common ownership or divided into multiple ownerships.

“*Owner(s)*” shall mean and include any person having legal title to, or who leases, rents, occupies or has charge, control of possession of, any real property in the city, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County assessor’s office. ‘Owners’ includes powers of attorney, executors or estates, trustees, or who are court appointed administrators, conservators, guardians or receivers.

8.21.030 Requirement.

A. Owners of commercial development centers shall be required to create and maintain a written cleaning schedule for the property, including, but not limited parking lots, and which shall be available for inspection at all times by the City.

B. The cleaning schedule shall include, but not be limited to, a regular and fixed schedule for the following: graffiti removal, building façade cleaning, stairway or elevator cleaning, external landscaping maintenance and litter removal. Litter removal shall be scheduled once every 12 hours, including weekends.

C. All cleaning schedules shall contain the name and phone number of the owner or other person responsible for adherence to the cleaning schedule.

D. Cleaning schedules shall be posted in at least three (3) locations on the commercial development center by the owner and shall be distributed to all tenants.

8.21.040 Enforcement.

Violation of any of the provisions of this Chapter may be enforced pursuant to Chapter 1.20 of the Hawthorne Municipal Code.

SECTION 3. Severability. The provisions of this Ordinance are severable. If any provision of Chapter 8.21 or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. The provisions of Chapter 8.21 are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of Chapter 8.21, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not result in the invalidity of the entire chapter which can be given effect without the invalid provision or application. The City Council of the City of Hawthorne hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. City Clerk. The City Clerk shall certify to the passage and adoption of this ordinance or a summary therefore, pursuant to State law, and shall cause this ordinance to be published within fifteen days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 5. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

PASSED, APPROVED AND ADOPTED this 28th day of August, 2018.

ALEX VARGAS, Mayor
City of Hawthorne, California

ATTEST:

MONICA DICRISCI,
Acting City Clerk
City of Hawthorne, California

APPROVED AS TO FORM

RUSSELL I. MIYAHIRA, City Attorney
City of Hawthorne, California