

LAW OFFICES OF
Piccini, Wong & Rogers

From: Jillian Rogers
To: New Associate
Re: Priority Request

Sorry to hit you with this on your first day, but you're the only other attorney here and I have two conference calls before meeting with this panicked client this afternoon. I need an answer on this issue in 90 minutes.

The client, Alice Walters, runs the popular Ace Café downtown. She's only 1 year into a 5 year lease on the property and wants to stay there. Her landlord wants to make room for a new development he's planning, but hasn't been able to convince her to vacate. Last week the artist Alice commissioned to paint an exterior mural on the plain front of her café finally finished his depiction of local celebrities—unclothed—to mixed praise and outrage. Evidently sometime after closing last night a painting crew hired by the landlord painted over the mural with black paint; her café now looks like a gothic mortuary. We'll deal with this wrongful trespass next week; here's issue I want you to consider today:

When Alice, horrified at the new front of her business, opened her door this morning she found a notice from the landlord, claiming she owes him \$74,000 in "clean-up costs and civil penalties." With the notice was a copy of the new city ordinance passed last month to curtail the recent wave of graffiti:

Center City Ordinance 145

Any person applying paint, ink, or other permanent marking to any structure within the city limits not owned by that person or without the written consent of the owner will be liable to the owner for a civil penalty of ten times the actual costs of restoration of the structure.

Alice is frantic that she may have to pay the \$74,000 because she didn't get the landlord's written permission; because he wants her to leave he had already refused to let her make changes in the property and told her he would refuse any requests she might make.

Before I meet with her, I want your opinion as to whether Ordinance 145 applies to this situation, given the existence of this second Center City ordinance:

Center City Ordinance 21(A):

To promote the success of the city's small businesses, any lessee of business property within city limits may make reasonable improvements in the property to enhance the appearance of the business.

Give me your best analysis of the facts and law so I can advise Alice whether she will be subject to the civil penalties of Ordinance 145 or protected by Ordinance 21(A).