STAFF REPORT

To: Public Safety Committee Date: November 18, 2013

Via: Gary Jackson, City Manager

From: David Foster, Deputy Public Works Director

Subject: Graffiti Removal Update

Summary Statement: Background information for the consideration of expanding the graffiti removal program to include private property.

Review: This topic has come before the Public Safety Committee and City Council previously:

- April, 2012- Public Safety Committee update from Assistant City Manager
- August, 2009- Council to create Nuisance Court and current program
- September, 2008- Council for update on pilot program and clarification guidance for proposed graffiti ordinance
- July, 2007- Council for report and creation of pilot program to address graffiti on public property

Previous presentations included cost analysis for proposed expanded programming, benchmarking from other cities with similar issues and challenges, as well as extensive minutia of graffiti problem; however, for brevity's sake, I offer the following summations:

- Current program focuses on removal from public property, with a smaller focus on supporting private efforts through local nonprofits.
    - Current program reports 8,000-10,000 tags removed per year (public property)
- Enabling ordinance would be required to expand graffiti program to include removal from private property.
- Six other municipalities responded to benchmarking request regarding similar graffiti programs, including some with action on private property.
- Clear policy would have to be key element for successful program, including detailed enforcement, education facets, and fee structure.
- Updated costs for expanded program would be approximately $322,000, which would have to be allocated in the Public Works budget.

Preliminary Analysis for Addressing Graffiti on Private Property

At their August 2009 meeting, City Council showed interest in adopting a graffiti removal ordinance that would require property owners to remove graffiti within seven days of notification, as well as a six month grace period on enforcement of the ordinance to allow for adequate public outreach and an opportunity for voluntary compliance. Over the ensuing six to nine month period, City staff and City Council received significant opposing feedback from business and property owners, reflecting non-support for expansion of the ordinance in this manner. To date, such an ordinance has not been adopted.

Although there seems to be support for reintroducing such an ordinance, expanding the current policy would require consideration for various enforcement components, to include:

- Noncompliant Property Owners: In cases where the property owner does not comply with the seven day requirement, the City would likely institute nuisance abatement procedures (at the owner's expense). City Council also has the option of offering a hardship exemption for those who lack the financial resources to fully cover the removal costs.
- Due to the potentials for damage to private property, nuisance abatement should be via a contract skilled in the trade. The City could engage a private non-profit to serve as the administrator for the private aspects of the new program.
- It's believed that introduction of a new ordinance will invigorate the private sector to fill the customer need, expanding the available resources for private and City needs. The City could initiate a vendor list (similar to Asheville Police's towing rotation) to provide to customers, particularly in the programs infancy.
- Additional enforcement staff would need to be added to facilitate proper administration of the program.
- Education and Prevention: Efforts to educate the public prior to and during the enforcement of the ordinance.
- Reward Program: Hotline permitting the anonymous reporting and offer rewards to those individuals who provide tips leading to the arrest of graffiti vandals.

Fiscal Implications: The following table lists the estimated costs for expanding the current graffiti removal program above exiting offerings:

Operating Budget	**Cost**
Labor Crew Coordinator 1 FTE	$47,000
Enforcement Officer/2 FTE	$94,000
Program Supervisor/1 FTE	$47,000
FIRST, Inc. Contract	$3,000
Supplies and Materials	$5,000
Contracted Costs	15,000
Subtotal	**$211,000**
Capitol	
Vehicles (one time cost)	$111,000
Grand Total	**$322,000**

Graffiti abatement costs on private property will likely be offset by costs recovery placed against the property; however, those costs may have to be borne by the program through potentially lengthy legal process. When received, this will likely offset some of the contracted costs.

Strategic Plan Alignment: Expanding the current graffiti removal program to address instances on private property support's the City of Asheville's goal to make Asheville of the safest and most secure communities when compared to similar cities.

Pros:

- Provides mechanisms to address private property graffiti concerns.

- Holds property owners accountable for property appearance, consistent with other aesthetic ordinances.
- Aligns with Asheville's Safe city initiatives.
- Graffiti was identified as a priority at the Downtown Issues Summit

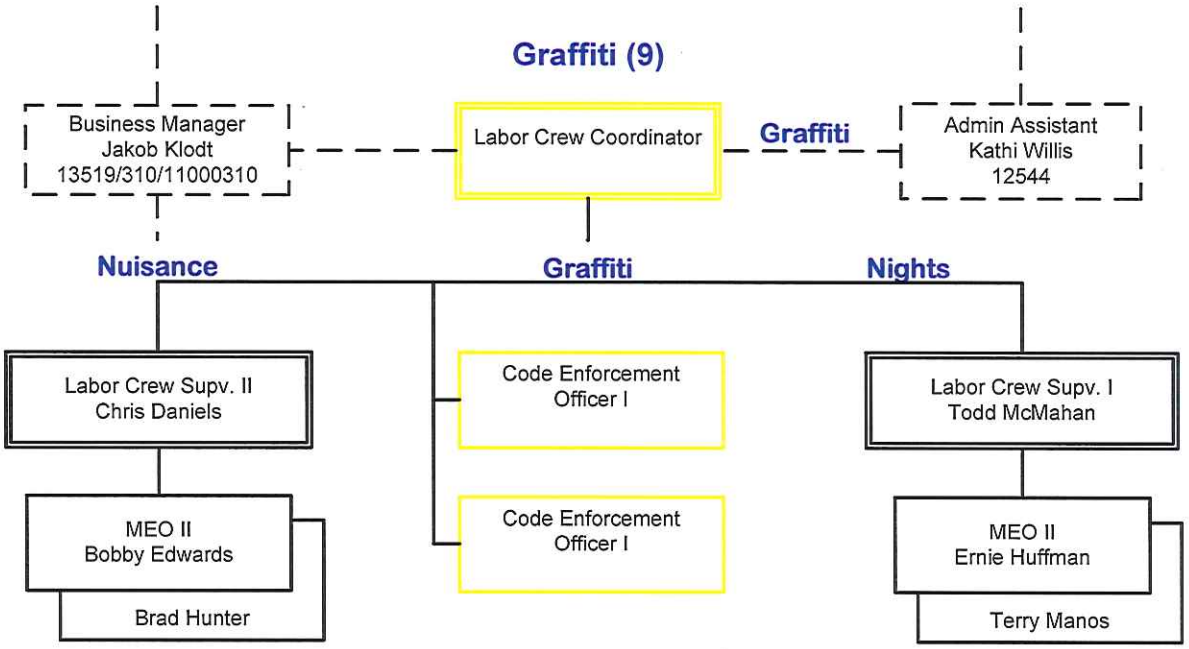
Cons:

- Fiscal Impact: no identified funding for program costs.
- Perception of property and business owners as Asheville not being sensitive to their needs do to the enforcement-based ordinance.
- Negative perception of punishing the victim.

Recommendation: Staff recommends additional public input process to develop ordinance and policy parameters, with new ordinance and policy coming to back to Public Safety and City Council in spring 2014.

Attachments:
Benchmarking summary
Proposed cleanliness/beautification organizational chart highlighting new positions

City Name	Responsible Dept.	Ordinance	Penalties	Public Property	Private Property	Cleanup	Special Programs	Contact
City of Concord	Police Dept./Zoning Dept.	Handled through UDO and NC Gen. Stat. 14-127	Seven days to remove then on 8th day - $100 fine	Yes				
City of Winston-Salem	Property Maintenance	?	?	Yes	?		Keep Winston-Salem Beautiful Special Fund set aside for cleanups Work Force Development completes cleanup by contract (Group of youth preparing to enter work force)	Randy Rogers 336-727-8250
City of Wilmington, NC		Abatement of Public Nuisances Section 10-28						
Greensboro	Police	Section 18-8	Convicted of violation- 1st offense $500 2nd Failure to remove – no more than $100 amt. determined by Court					
Columbia, SC	Police/ Public Works	Article IX – Graffiti	$500 or imprisonment not to exceed 30 days, community service	Yes	Yes – with consent of property owner	Person applying graffiti has duty to remove w/I 24 hrs.	Reward offered for info. leading to person doing graffiti	
Raleigh, NC	Police/Street Maintenance			Yes	Yes- with consent form from Propery Owner	City	Graffiti Hotline & website for reporting. 2005-06 added graffiti removal program(2 - 2 person crews and equipment)	Stacy Jackson 919-669-3987
CharMeck	Police/Code Enforcement	City Code: Chapter10, Sec.83b	Not more than $100	Yes	Yes – with proper notification	City and property owner	Anti-Graffiti Program in1998 – education, ordinance enforcement and prevention. 2002 TeamWork – City's Code Enforcement & Police to improve reporting of graffiti – IT'S NOT ART. IT'S A CRIME	Email account for reporting
Charleston, SC	Crime Prevention Officer/Maintenance Division						Graffiti Hotline to report	

Legend

Proposed