

Memorandum



DATE August 5, 2010

TO Honorable Members of the Quality of Life Committee: Pauline Medrano (Chair),
Vonciel Jones Hill (Vice Chair), Carolyn R. Davis, Angela Hunt, Sheffie Kadane,
David A. Neumann, Steve Salazar

SUBJECT Proposed Amendments to the Graffiti Ordinance Briefing

On Tuesday, August 10, 2010, you will be briefed on the Proposed Amendments to the Graffiti Ordinance. The briefing material is attached for your review.

If you have questions or need additional information, please let me know.



Forest E. Turner
Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Office
Helena Stevens-Thompson, Assistant to the City Manager

Proposed Amendments to the Graffiti Ordinance

Presented to the Quality of Life
Committee

August 10, 2010

Outline

- Overview
 - Abatement
 - Reporting
 - Process
- State Law Amendments - Graffiti
- Property Owner Removal Period
- Exemptions
- City Abatement of Graffiti
- Action to be taken

Overview – Graffiti Abatement

- During the typical year, Code Compliance Nuisance Abatement crews abate 5,250 graffiti cases



Overview – Graffiti Reporting

- Violations are identified through:
 - 3-1-1
 - Graffiti Tip Line (214) 670-TIPS (8477)
 - Graffiti Wipeout Website
www.dallasgraffitiwipeout.com
 - Proactive Sweeps

The screenshot shows the Dallas Graffiti Wipeout website homepage. At the top, there is a navigation bar with links for Home, General Information, Projects, Abatement, Volunteers, Forms, and Contact Us. The main content area features a large header with the text "Dallas Code Compliance, what it all means COMMUNITY" and "Dallas Graffiti Wipeout". Below this, there are several sections: "Report An Incident" (You can report graffiti by calling 3-1-1 or submitting a service request online. More), "TIPS AND OTHER BRIGHT IDEAS" (TIPS for Graffiti Prevention. Learn how to remove, prevent, and control graffiti. More), "FREE Graffiti Abatement" (Clean up services provided to property owners. More), and "Graffiti Videos" (View graffiti related videos. More). On the right side, there is a section titled "Give Graffiti the Brush!" with the text "Graffiti: Painting of graffiti, also known as 'tagging', is a crime. If you see someone tagging property, please call 3-1-1 immediately. If you see graffiti in your neighborhood, please report it to the Department of Code Compliance by calling the Graffiti Tip Line at 214-570-TIPS (8477). You can also report graffiti by either calling 3-1-1 or by submitting a service request online." Below this text are eight icons representing different services: State Laws & City Codes, Contact Us, Murals & Public Projects, Abatement Clean Up, for Kids, for Parents, for Teachers, and Join the Team. At the bottom, there is a footer with the text "City of Dallas Department of Code Compliance" and "City of Dallas | Department of Code Compliance | Graffiti Home".

Overview - Process

- ❑ Site Investigated
- ❑ Notice of Violation Issued
- ❑ There are Options available for Property Owners
 - Owners can abate the graffiti themselves
 - Fill out consent form and allow the City to abate property for free
 - Property owner can purchase color matched paint and allow a City crew to use on property for free
 - City can drop off paint/supplies so that property owner can abate as needed
- ❑ Owners that do not abate or allow the City to abate are subject to citation

State Law Amendments - Graffiti

- During the last State Legislative Session amendments were passed that affected laws related to graffiti
- The City Attorney's Office was requested to review the changes to determine whether the City of Dallas ordinance conflicted with the new State Law

State Law Amendments - Graffiti

- The City Attorney's Office concluded that three sections of the City of Dallas ordinance conflict with new State Law
 - Property Owner Removal Period
 - Exemptions
 - City abatement of graffiti

Property Owner Removal Period

- ❑ The new State Law requires owners to remove graffiti **15** days after notice (Section 250.006(a) of Texas Local Government Code)
- ❑ The City ordinance requires owners to remove graffiti **21** days after notice (Section 31-38 of the Dallas City Code)

Exemptions

- ❑ The new State Law included two exemptions not currently present in the Dallas ordinance
 - Property owners are exempt from the requirement if:
 - ❑ Graffiti is located on transportation infrastructure
 - ❑ Removal of the graffiti would create a hazard for the person doing the removal

City Abatement of Graffiti

- ❑ Under the new State Law a city may not issue a graffiti violation notice unless the city has offered to remove the graffiti **free of charge**, and the owner has refused the offer (Section 250.006(b) Texas Local Government Code)
- ❑ The City Ordinance does not state the removal service offered by the City is free of charge

Action to be taken

- ❑ Draft amendments to the Dallas City Code related to graffiti to reflect changes to the State Law
- ❑ Seek Council Approval of Amended Ordinance
- ❑ Update any literature and notices related to graffiti or the graffiti abatement program
- ❑ Update City websites reflecting the changes
- ❑ Place updated ordinance on October 26, 2010 voting agenda

Questions
