



City of Coral Gables
CITY COMMISSION MEETING
February 12, 2008

ITEM TITLE:

Ordinance on First Reading. An Ordinance of the City Commission of the City of Coral Gables amending the "Code of the City of Coral Gables", Chapter 34, entitled "Nuisances," Article VI, entitled "Graffiti; Graffiti Removal", by adding Section 34-108, entitled "Definitions", Section 34-109, entitled "Prohibitions", Section 34-110, entitled "Possession of spray paint & markers" Section 34-111, entitled "Declared Nuisance", Section 34-112, entitled "Responsibility of Property Owner(s); Graffiti Removal and Notice", Section 34-113, entitled "Appeal", Section 34-114, entitled "Failure to Comply; Cost Graffiti Removal as Lien on Property- Collection, Foreclosure and Sale", and Section 34-115, entitled "Interested Persons May Petition to dispute assessed costs"; and repealing all Ordinances inconsistent herewith. (Deferred from the December 11, 2007 City Commission Meeting)

RECOMMENDATION OF THE CITY MANAGER:

It is recommended that the attached Ordinance on First Reading be adopted as presented.

BRIEF HISTORY:

At the December 11, 2007 City Commission Meeting, this item was deferred in an effort to provide City Staff the opportunity to discuss with outside agencies the possibility of allowing the City, or City vendor, to remove the graffiti and back charge for the services; or as an alternative, deposit an amount with the City to draw upon for payment of the same.

Although the idea was considered, agencies that included FPL, AT&T (BellSouth), Comcast, United States Post Office and Miami-Dade County, chose to handle the graffiti themselves. The main reason cited was the existing resources in place and their county-wide obligation to remove graffiti. They did, however, request an amendment to the Ordinance in order to increase the time allocation to 72 hours, in lieu of 48 as presented. Related to the proposed Ordinance, City Staff has expanded the definition of graffiti by including stickers.

As suggested also at the December 11, 2007 City Commission meeting, and as part of the City vendor's scope of work to remove graffiti, property owners will be able to call in for graffiti removal and will simplify the bill for the services.

Studies over the years have shown that the immediate removal of graffiti helps prevent and discourage other criminal activities, as well as further deterioration of an area. In 1998, the City attempted to adopt an Ordinance requiring commercial and noncommercial property owners to expeditiously remove graffiti, upon notice from the City.

A modified version of this Ordinance was presented on First Reading on the May 12, 1998 during a City Commission meeting, and after an extensive discussion, including public input, the City

Commission then, placed the Ordinance in abeyance and directed staff to conduct a pilot program, shifting the responsibility of graffiti removal (for private and public property) to the City.

The City solicited the services of a private vendor to removed graffiti from both private and public property immediately upon notice from the City. The cost associated with removing graffiti has dramatically increased over the years, averaging over \$90,000 per year, and therefore it is recommended that this proposed Ordinance be adopted; shifting the responsibility of graffiti removal back to the property owners.

The proposed process will require both commercial and non-commercial property owners to remove the offense within a 72-hour period. Failure to comply with said notice will result in the City or City vendor to cause the graffiti abatement and the property owner be charged for such services.

City estimates to save approximately \$85,000 a year with the adoption of this Ordinance. However, there may be a delay in the removal of the graffiti.

Please note: The proposed Ordinance does not call for property owners to be cited, only noticed and does not require a property owner to obtain a painting permit, as long as the "paint-out" is consistent with the existing building color.

LEGISLATIVE ACTION:

| Date | Resolution/Ordinance No. | Comments |
|------------|--------------------------|----------|
| 5-12-1998 | Ordinance | Deferred |
| 12-11-2007 | Ordinance | Deferred |

PUBLIC NOTIFICATION(S):

| Date | Form of Notification |
|----------|------------------------|
| 12-08-07 | City Commission Agenda |
| 02-08-08 | Posted Agenda |

APPROVED BY:

| Assistant City Manager | City Attorney | City Manager |
|------------------------|---------------|--------------|
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ATTACHMENT(S):

1. Proposed draft Ordinance
2. Proposed draft Ordinance with red-line
3. Graffiti Abatement Program Charts
 - a. Graffiti Abatement Program (Yr 2005 & Yr 2006- Totals)- Type of Incident
 - b. Graffiti Abatement Program (Yr 2005 & Yr 2006-Totals)- Type of Incident & Cost
 - c. Graffiti Incidents (Yr 2005 & Yr 2006- Totals)- Commercial Other
 - d. Graffiti Incidents (Yr 2005 & Yr 2006)- Per Month
4. Sample letter sent to various agencies