



City of Coral Gables
CITY COMMISSION MEETING
December 11, 2007

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.

RECOMMENDATION OF THE CITY MANAGER:

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

BRIEF HISTORY:

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 commercial property owners to remove the offense within a 48-hour period while non-commercial will be required 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.

Attached are provided charts illustrating the graffiti abatement program for the calendar years 2005 & 2006. As part of this agenda item, the City sent notices concerning this ordinance to various agencies (that form part of the commercial property owners), whose facilities seem to attract graffiti more so, than others. These agencies include: Florida Power and Light, Comcast, Bellsouth, Miami-Dade County and the US Postal Services.

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.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
12-07-07	Posted Agenda

APPROVED BY:

Assistant City Manager	City Attorney	City Manager

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