

the GraffitiConsultants

Ten Steps To A Graffiti-Free City

Guidebook 3 of 10 Steps

The Best Solution For Graffiti On Private
Property: Graffiti Ordinances That Work.



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We would like to commend
you for your dedication to
eliminating graffiti vandalism in
your city.

Rick Stanton, The Graffiti Consultants Ten Steps To A Graffiti-Free City

THE GRAFFITI CONSULTANTS

Rick Stanton, Owner

TEN STEPS TO A GRAFFITI-FREE CITY

By Rick Stanton

Owner of The Graffiti Consultants

We are the only full service graffiti consultation firm. Our proven track record includes:

- Helping our first municipal client reduce their graffiti 62% in one year with almost no increase in their graffiti budget.
- Coaching one city to an 87.9% reduction in graffiti in just one year.
- Training in one city that resulted in a 91.3% reduction in graffiti hotline calls in less than one year.
- Assisting a city in recruiting 1003 new anti-graffiti fighting volunteers in one year.

How can we help you?

Dedication

This book is dedicated to my wife, Patricia Rolland and my three sons, Garrett, Ethan and Jordan.

Author's Acknowledgments

I would like to thank those who have been of great help along the way. They include Patricia Rolland, Jordan Stanton, Lois Rolland, Dave Bonillas, Adriana York, Traci Tokunaga, Erik Hove and Manny Ruiz.

**GUIDEBOOK 3: THE BEST SOLUTION FOR
GRAFFITI ON PRIVATE PROPERTY: GRAFFITI
ORDINANCES THAT WORK.
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INTRODUCTION

TEN STEPS TO A GRAFFITI FREE CITY

My name is Rick Stanton and I despise graffiti. It frustrates me to no end that graffiti vandals eagerly deface the property of others. Given the target market for this information, I'm sure that the vast majority of you feel the same way. By the way, right now, some of you may be reading this and some of you may be listening to this on a CD. Either one is great because they are exactly the same. So, when those of you who are listening to this hear it referred to as a book, don't be alarmed – it is the same as the CD that you are listening to. In any case, how many of you have ever asked a coworker "How do you think they would like it if I wrote my name with spray paint on their car?" According to the United States Department of Justice, the annual cost of graffiti removal in the US in 2010 was a staggering \$12 Billion. I am also pretty sure that many of you have said "Just think of all the good things that could be done in the world if all the money that is needlessly wasted on anti-graffiti efforts was used for the good of the community. Imagine all the additional soccer fields, community centers, and libraries we could have built. Imagine how many fewer potholes there would be". Can we all agree that working full-time (or even part-time) in an anti-

graffiti effort can be frustrating, demanding, exciting, and challenging all at the same time? Most likely, you don't find it easy or boring.

The bottom line is that it is my hope and dream that this book will help you with your anti-graffiti efforts. If you follow the suggestions in this book, you'll succeed in your efforts to reduce (almost to the point of elimination) the graffiti for which you are responsible. The information contained in the following pages is the culmination of my 19 plus years of full-time work in the anti-graffiti field. It also includes the insights of other highly successful anti-graffiti professionals worldwide.

How do you know that it is worth your time to read this book? How do you know that the information (if followed) will lead to what I promise you – graffiti being substantially reduced in your area? Well...the best way to answer these questions is to give you some background of what happened when San Jose employed the systems and strategies that I've spelled out for you in this book. Other cities we have trained also achieved similar results.

First, however, let me identify the primary target market for most of the information in this book: city employees. We will spend most of our efforts explaining how cities should organize themselves and carry out the plans that are described herein. Some of the information does focus on county agencies – especially in regard to the consequences graffiti vandals must face when they are caught. These groups include judges, adult

and juvenile probation departments, and the offices of district attorneys.

I will now attempt to show you why I'm confident that the systems and strategies in this book will greatly reduce graffiti in your city. I was the manager of the City of San Jose's Anti-Graffiti and Litter Program for 10 years. Believe it or not, San Jose is the 10th largest city in the United States with a population of over a million and an area of 177 square miles. During my time there we were able to reduce graffiti in San Jose by 99.88%. Like any successful achievement, this improvement included the ingredients of hard work, learning from mistakes, and good luck. But most important of all was the mayor and city council who were determined to get rid of graffiti and allowed staff to design and follow a strategic plan that will dramatically reduce graffiti in any city that chooses to implement it. I freely admit that a very few cities may never be able to fully benefit from this information simply because they're too large to make improvements in systems that are written too deeply into stone and/or that have severe gang populations i.e. New York, Los Angeles, and Chicago quickly come to mind.

Let me paint a picture for you of the graffiti situation in San Jose when I was transferred into the Anti-Graffiti Program in 1997. The program was not new. It had been established as a multi-faceted anti-graffiti effort (or program) for at least five years. Individual pieces of the program had been in existence even before that. They had embraced the popular "4E's": Enforcement (catching and

prosecuting graffiti vandals), Education (sharing graffiti information with adults and telling youth not to participate in graffiti vandalism), Eradication (getting rid of the graffiti), and Empowerment (recruiting volunteers to remove graffiti in their neighborhoods). The program was well respected – both inside and outside of San Jose. They did an excellent job of promoting their strengths and successes. The staff in the program was very comfortable in their roles and very proud of their efforts. Their marketing materials were first-class. Their oral reports in meetings always put a positive spin on the many anti-graffiti activities that they provided with an immense amount of pride.

The only problem that I saw when I was transferred into the Anti-Graffiti Program was that there was graffiti **EVERYWHERE**. It had become part of the urban landscape. You couldn't drive anywhere without seeing graffiti - lots of it. It was in all corners of the city. It was big and small. It was on sound walls. It was on bridges. It was on freeway signs. It was on utility boxes. It was on buildings. It was on fences. It was on polls. It was on... well you get the idea. There seemed to be a huge disconnect between the image of this respected program and what you saw on the streets. What I didn't know was why this disconnect existed.

When I first started, I asked the staff lots and lots of questions. I assured them that I was not going to come in and make willy-nilly changes. I didn't even tell them that I was thinking of the disconnect that I just described. Remember - they were proud

of what they did and did not think that there was a problem. I felt that I had to tread lightly. During this initial period, I learned quite a bit. I learned that:

IN TERMS OF ERADICATION

- If someone reported graffiti on the Graffiti Hotline it would take an average of 22 days to remove it.
- If a member of the city council (or their staff) reported graffiti, staff would drop everything and remove it immediately.
- If a member of the public complained about the slow response time and threatened to call the mayor...staff would drop everything and remove it immediately.
- The performance measure target for removing graffiti was "48 working" hours. It was explained to me by staff that "48 working" hours was really six workdays NOT two days. They told me that sounded better and that the administration never really asked them specifically what that meant. I knew right away that deception would come back to haunt us some day when the administration figured it out...and boy did it!

IN TERMS OF EMPOWERMENT

- To become a graffiti volunteer, you were required to attend a three-hour class, held once a month, only on Saturday. The class covered the history of graffiti, how to remove graffiti with solvent, how to paint over graffiti and my favorite...how to operate our power

washer – which no one was ever allowed to borrow or use anyway.

- There were a total of 124 on-going graffiti volunteers.
- Staff organized group graffiti paint-outs every Saturday. Members of these groups did not do any additional graffiti removal throughout the rest of the year.
- Staff would go to community meetings to tell the group about the Anti-Graffiti Program and to recruit volunteers. They would usually go first on the agenda to explain the program and tell them about the three-hour class they needed to take to volunteer. They would ask for volunteers, give each a business card, and tell them to “call me at the office and I will tell you when the next class is and sign you up for it”.

IN TERMS OF EDUCATION

- Staff conducted an anti-graffiti classroom skit for second graders with giant puppets.
- The Anti-Graffiti Program sponsored a large annual Graffiti Conference for the public.

IN TERMS OF ENFORCEMENT

- On the enforcement side, very few graffiti vandals were caught and when they were, not much happened to them. The recidivism rate was very high.
- The only police effort involved one officer who was given a small number of overtime hours each week to investigate graffiti crimes.

- There was a group of about ten adult volunteers (cop wannabees) who were given night-vision binoculars and were sent out to do surveillances at locations that were frequently hit with graffiti.

All in all, after talking with everyone concerned, I felt that San Jose's Anti-Graffiti effort was all "smoke and mirrors".

I will delve into the details of the previous highlights (or lowlights) in the later guidebooks and share with you the changes in those areas that ultimately took place and paved the way for San Jose to become a virtual graffiti-free city. What I will do now is share some bottom line results that will illustrate what is possible if a city trusts and follows the plan that I will present to you in this book.

Please keep in mind that I was involved in varying degrees in most, if not all, of the following examples of the fantastic turnaround we experienced. However, so were others. The main point here is that graffiti can be drastically reduced when dedicated and hard working people follow a proven plan that will lead them to great success.

From: No way to measure success, trends, percent of gang graffiti, etc.

To: An annual Citywide Graffiti Survey

From: 124 graffiti volunteers

To: Over 6,400 graffiti (and litter) volunteers

From: A very light penalty for graffiti vandals
To: An effective package of penalties that severely reduced graffiti recidivism

From: No proactive graffiti abatement
To: An extensive, strategic and successful proactive system

From: A hotline response time of 22 days
To: A hotline response time of 48 hours that was achieved 99% of the time

From: A poor system for dealing with graffiti on private property
To: A private property system that really works

From: A miniscule focus on graffiti from the police department
To: An actual police Graffiti Enforcement Team dedicated to graffiti cases

From: 71,541 citywide tags
To: To 129 citywide tags

These types of improvements are possible in just about every city that implements the systems and strategies that you will soon know.

During my last few years as the manager of San Jose's Anti-Graffiti and Litter Program (the mayor added litter to our responsibilities in 2002) word had spread that incidents of graffiti were going down in San Jose. I received over 60 calls from cities all over the world asking what we were doing to get such

good results. Some cities even sent representatives to shadow us. It was obvious that there was a real need out there to help cities that were struggling with graffiti. After I retired, I began working as a graffiti consultant and have successfully assisted other cities in their goal of drastically reducing their graffiti.

I would like to conclude this introduction by issuing a **WARNING**: The war against graffiti is never-ending. By following the recommendations in this book, the graffiti in your city will go down. Period. However, when it gets to a level that is satisfactory to most people...that is when the danger begins. The danger is that someone will decide that he can now take the "pedal off the metal" a little. He might think that you do not need to do all of the things that you did to get rid of the graffiti in the first place. He might think that it is now OK to cut or move one of the staff positions. He might think it is OK not to replace an old spray rig that can't perform any more. Please don't let this happen! In San Jose the graffiti has risen dramatically over the past few years because the effort has been largely neglected. Vancouver worked hard to be graffiti-free for the 2010 Winter Olympics. After the Olympics, city leaders felt they won the war on graffiti and defunded their anti-graffiti effort. You can all guess what happened – graffiti came back hard and fast. There will always be an undercurrent of graffiti everywhere. It will be there - ready to explode if cities turn their back on it or even water it down just a little.

It is almost time to begin getting into the details of how you can become a graffiti-free city. I just need to share a few housekeeping items with you. First of all, the Ten Steps to a Graffiti-Free City is made up of ten guidebooks. Each guidebook corresponds to one of the ten steps. You may have invested in all ten of the guidebooks or just the one or more that were of the most interest to you. In either case, each CD and guidebook has a different step or chapter on it but each has the same introduction. So, if you have more than one CD or guidebook, you don't need to listen to or read the introduction again. You can skip directly to the next track on the CD or chapter in the guidebook.

Also, (and I hope this does not offend anyone) instead of using "he or she" throughout the book, I will just use "he" for simplicity sake.

If you thought that this book on graffiti would have a lot of pictures of graffiti in it, you would be wrong. I will use pictures to illustrate some key points but I don't see the need to give the vandals any more sense of accomplishment than I need to. Besides, if you are already involved in an anti-graffiti effort, I'm sure that by now you have seen enough graffiti to last a lifetime.

As I mentioned earlier, this introduction is the same in all of the ten CDs and guidebooks. The same can be said for the short conclusion at the end. So if you have more than one of these books, you don't need to read or listen to the conclusion again.

Finally, most of the guidebooks have one or more "Bonus Documents" at the end of it for you read. Also, in the CD case, the CD that is labeled "Bonus Documents" contains the same documents ready for you to plug into your computer and use as needed. These documents will save you hours upon hours of time. So, thank you for taking the time to read this introduction and on with the show.

GUIDEBOOK 3 OF 10

THE BEST SOLUTION FOR GRAFFITI ON PRIVATE PROPERTY: GRAFFITI ORDINANCES THAT WORK.

You will be hard pressed to find any city in the country that doesn't have some sort of ordinance on the books to deal with graffiti. There is a huge variance, however, in the scope of these ordinances. Having strong graffiti ordinances is a great tool for cities. First of all, the act of amending or enacting an ordinance doesn't cost anything. And secondly, there is a great likelihood that strong graffiti ordinances will actually save a city money and/or lead to a more graffiti-free city. I will discuss what is typical in most cities' ordinances, will show ten examples of interesting ordinances and will discuss in detail the best way to deal with graffiti on private property.

SECTION 21

COMMON SECTIONS OF A GRAFFITI ORDINANCE

SECTION HIGHLIGHTS

- Why do cities need a graffiti ordinance?
- What are the two primary objectives of a good graffiti ordinance?
- What are some of most common sections of graffiti ordinances?

Most cities have municipal codes or ordinances that deal with graffiti because it is a problem for every city in America, some more than others. Graffiti is an unwelcome sight in any city and there are many reasons why: it costs cities precious dollars for clean up and prevention that could be better spent elsewhere, there is a solid link between graffiti and serious crime, it lowers property values and most people feel unsafe in areas with lots of graffiti. To deal with the graffiti problem, city ordinances serve two primary objectives. First, they state what penalties can be levied on the vandals above and beyond what the state or county allow and second, they state the responsibilities of private property owners who have graffiti on their property.

Within the umbrella topic of graffiti, there are several sub-sections that many cities include in their codes.

Those that are especially noteworthy have examples included. Some of these sub-sections are:

FINDINGS: Statement that the city council finds graffiti unacceptable and why.

DEFINITIONS: Defines in detail all of the words that can be specific and unique to the graffiti section in the code.

PROHIBITION OF GRAFFITI: Statement that it is unlawful to participate in graffiti vandalism.

Good example: CALIFORNIA PENAL CODE 594(a)

FURNISHING GRAFFITI IMPLEMENTS TO MINORS

PROHIBITED: Statement that it is unlawful to furnish graffiti implements to minors.

POSSESSION BY MINORS: Spells out the rules as to when minors can and cannot have graffiti implements.

POSSESSION IN PUBLIC PLACES: Statement that it is unlawful for any person to possess graffiti implements in public places with the intent of participating in graffiti vandalism.

DISPLAY OF GRAFFITI IMPLEMENTS: sets forth rules for retailers of where they can place implements that could be used for graffiti for sale.

SIGN REQUIRED: Requires stores to post signs regarding the sale of these graffiti implements to minors.

REWARD: Spells out the details of how rewards can be given to those who supply information that directly lead to graffiti vandals being apprehended.

PENALTIES FOR VIOLATION: Spells out the criminal penalties for those caught violating the graffiti laws.

Good example: CALIFORNIA PENAL CODE 594 (b) (c) (d) (f) Note the \$400 threshold for a felony violation.

RESTITUTION: States that a convicted graffiti offender will pay restitution to the victim.

CIVIL LIABILITY OF PARENT OR LEGAL GUARDIAN OF MINOR: States that parents or legal guardians of minors convicted of graffiti offences are financially liable for any fines or restitution.

CIVIL PENALTIES AND REMEDIES: Spells out the civil penalties for those convicted of violating the graffiti laws.

REMOVAL OF GRAFFITI: Usually states that the property owner is required to remove the graffiti within a certain timeframe.

NOTE: When graffiti is on private property, the property owner is usually required to remove it. If it is not removed, that becomes a violation and most cities will go on to the property, remove the graffiti for the property owner, and charge for the work. When this happens, the typical code sections for this process are:

- Right of City to Remove
- Right of Entry on Private Property
- Notice of Due Process Hearing
- Eradication Effort
- Cost Hearing
- Lien

Good example: *Washington, District of Columbia Official Code Division VII, Title 42, Subtitle VI Chapter 31a1 Abatement of Graffiti, 42-3141.07 Payment of abatement costs and penalties*

All cities need this section as a last resort. However, a major strategy that should come before the city removes the graffiti and bills the owner is missing from many cities. My recommended course of action is to notify the property owner that the graffiti must be removed within seven days. If it is not removed, Code Enforcement should initiate the Administrative Citation process (that was described to the owner in the notice to remove the graffiti). If, after accumulating fines up to a specified limit, the owner has still not complied by getting rid of the graffiti, the city should enter the property, remove the graffiti, and put a lien on the property for the total of the fines as well as the graffiti abatement.

Good example: SAN JOSE MUNICIPAL CODE CHAPTER 9.57.400 Enforcement and penalties.

Good example: SAN JOSE MUNICIPAL CODE CHAPTER 1.15.030 Administration Citation, 040 Amount of fine and 050 Payment of the fine.

I will also share with you an important process that should not be written into the municipal code but should be followed as an “unwritten policy” that will soften the blow of graffiti enforcement for private property owners. This process will be discussed in detail in Sections 23 – 30.

The following 10 municipal codes are good models to consider in building a strong graffiti strategy. Some of them have been highlighted earlier as good examples that you may find in many cities’

Graffiti Codes and some of them are fairly unique and may be of interest to you.

SECTION 22

TEN INTERESTING GRAFFITI ORDINANCES

SECTION HIGHLIGHTS

- Have you read all of your city's graffiti ordinances?
- Are they sufficient?
- Are there any changes or additions needed?

The following ten ordinances are good ones to check out. Some are very standard and are good examples of how a specific section of a graffiti ordinance should look, and some are unique or interesting and will give you an idea on how you can be creative with your codes. If you haven't already, read your graffiti ordinance thoroughly. Is it complete? Does it include everything you feel should be included? What is missing? Would any of the following examples help your city? If so, discuss the situation with everyone involved: the police, public works, city and county attorneys, the city manager, the mayor and council, juvenile probation, etc. If there is strong support for a change or amendment in the ordinance, usually the city attorney's office will draft the new language for the council to formally approve.

WASHINGTON, DC

Division VII, Title 42, Subtitle VI Chapter 31a1 Abatement of Graffiti, 42-3141.07 Payment of abatement costs and penalties

Requires property owner to reimburse the City for the cost of graffiti abatement on their property because they were in violation of the code.

Special note: Check out what they charge...2 ½ times the City cost, plus \$500, plus interest, if it is not paid within 30 days.

PUEBLO, COLORADO

Code of the City of Pueblo, Colorado. Title X1 Police Regulations. Chapter 9. Graffiti. 5-Penalty and 9- Local Improvement Fund.

11-9-5. Requires that \$25 surcharge per incident goes to a Keep Pueblo Beautiful Fund.

11-9-9. Establishes a Local Improvement Fund. Money from donations can be deposited here and used for anti-graffiti related activities such as rewards.

SAN JOSE, CALIFORNIA

Chapter 9.57.400 Enforcement and penalties (short description), and:

Chapter 1.15.030 Administration, 040 Amount of fine and 050 Payment of the fine

Any property owner who does not remove the graffiti from his property within the designated timeframe is in violation of the code and is now subject to the Administrative Citation process.

PORTLAND, OREGON

Code of the City of Portland, Oregon. Chapter 14 B.85 Graffiti Materials and Sales.

Requires employees of stores to get identification of everyone who purchases graffiti supplies. Also requires the graffiti supplies to be inaccessible to the public so that an employee must remove them from the shelves for the purchaser.

Note: Some cities require the graffiti supplies to be under lock and key.

CALIFORNIA – DAMAGE COSTS AND PENALTIES

Penal Code 594 a-g. (short description)

- *Defines graffiti*
- *States that graffiti is an offence*
- *Spells out incarceration location and time limits as well as limits on fines depending on the cost of the damage (\$400 threshold)*
- *States that community service is an option*
- *States that it is an option to have the defendant repair the damage and keep it graffiti-free for up to one year*
- *States that if the offender is a juvenile the parents are ultimately responsible for the damage*
- *States that counseling is an option*

PHOENIX, ARIZONA

**Code of the City of Phoenix, Arizona. Part 11 -
Chapter 39 Neighborhood Preservation. Section
39-10 – Graffiti prevention, prohibition and removal.
C. Prohibited Conduct.**

Graffiti vandals must serve a minimum of 10 days in jail and a minimum of 80 hours of community service. Five of the days in jail can be waived if the vandals complete their community service.

Graffiti vandals must pay a \$500 fine.

Graffiti vandals must pay restitution to the victim.

MILWAUKEE, WISCONSIN

City Charter Chapter 239 Accessory Buildings and Structures. Section 13 Publicly Accessible Collection Bins. Regulations (e)

Operator has 72 hours to have graffiti removed from garbage bins.

CALIFORNIA – CRIMINAL STREET GANGS

California Penal Code Section 186.22 (e) (20)

Tagging crews of three or more can be charged as a criminal street gang and receive additional penalties.

NEBRASKA – LOSE YOUR DRIVER'S LICENSE

State of Nebraska. Revised Statutes, Chapter 28 28-524 (5)

Graffiti vandals can have their Driver's License taken away for up to one year.

Note: Some other states also require those who do not yet have a Driver's License to wait one year from the date that they apply for one.

CORPUS CHRISTI, TEXAS

Code of Ordinances of Corpus Christi, Texas,
Part 111 Chapter 33 – Offences and Misc.
Provisions. Article V1. Graffiti Control. Division 3. –
Anti Graffiti Action. Section 33-106 (4)

Creates a reward program for confidential information on graffiti vandals.

SECTION 23

THE PERFECT PLATINUM PRIVATE PROPERTY PROCESS – IT WORKS!

SECTION HIGHLIGHTS

- Who is responsible to remove graffiti when it is on public property?
- Why is graffiti removal on private property such a thorny issue?
- What is the two-part answer to the problem of dealing with graffiti on private property?

The next eight sections are of major importance for any city that is wrestling with the dilemma of graffiti on private property. When vandals put their tag on public property, the party responsible for removing the graffiti is easy to identify: it is the city, county, school district, transit district, water district, highway department, etc. that owns the property. Of course, volunteers may assist some of these agencies but the bottom line is that the agency is unconditionally responsible to keep its property graffiti-free.

Things are a little more complicated when graffiti is on private property. Many cities have traditionally removed graffiti from private property. Some of these cities even have a graffiti ordinance that

requires private property owners to keep graffiti off their property. The city still chooses to remove graffiti on private property in many cases. Why is this? Obviously, when graffiti is put on private property, the property owner didn't do it himself or herself. They are the victims of graffiti vandalism. They are angry, frustrated and scared. To make matters worse, they may now be required by the city to remove the graffiti themselves with their own time and money (or pay someone to do it for them). If they don't, they could potentially be in violation of a city ordinance that could lead to a fine or lean being placed on their property. That is why some of these folks get upset when they learn that they need to remove the graffiti themselves. You have probably heard it before "first I was victimized by these punk kids and now I am being victimized by the city". City staff will generally hear this when they give the property owners the bad news that they need to remove the graffiti themselves. Owners can get upset and threaten to call their council member or the mayor to complain. Many times, elected officials find it hard to say "no" to a voting constituent – especially an angry and vocal one. So what happens? Many politicians direct the graffiti abatement staff to remove the graffiti for the complaining property owner – even if the city ordinance clearly states that it is the responsibility of the property owner to do so. In cities that have not yet required property owners to remove graffiti on their property, many politicians are reluctant to enact an ordinance requiring this because of the fear of a negative media backlash or upsetting residents and business

owners who have benefited from the city's practice of removing graffiti on their property for them for free. That is the background of why this is such a thorny issue for many cities. What is the answer?

It is clear to me that the answer has two distinct parts. Let me be perfectly clear:

PART 1: It should be the PROPERTY OWNERS' RESPONSIBILITY TO KEEP THEIR PROPERTY GRAFFITI-FREE!

PART 2: The City should HELP THE PROPERTY OWNER up to a point!

The remaining seven sections in this guidebook will spell out exactly how this process works.

Note: Some states require their cities to offer free graffiti removal for private property owners. Those of you in those states will not be able take full advantage of the concepts laid out in this guidebook. However, some key concepts will still apply and will be pointed out in the appropriate sections.



GRAFFITI ON PRIVATE PROPERTY

SECTION 24

OFFICIAL ORDINANCES AND UNOFFICIAL GRAFFITI PROGRAM PROCESS FOR PRIVATE PROPERTY

SECTION HIGHLIGHTS

- Where can you find a good graffiti ordinance as it relates to private property?
- In terms of private property, what key point does the ordinance need to make?
- What do you have to have in place to initiate the unofficial graffiti program process for private property?

In order for this private property system to work, the city ordinance needs to state that it is the responsibility of the property owners to keep their property graffiti-free. San Jose's ordinance in Section 22 is a good example to follow. If your current ordinance is written this way and the property owners are keeping their property graffiti-free without much drama, then you are where you want to be. Congratulations! Most likely, you do not even need to read the rest of the sections in this guidebook. However, if your ordinance does require property owners to keep the graffiti off their property but it is not enforced, then please continue reading because the rest of this section will be very helpful to you.

The first thing to do is check your city graffiti ordinance. If it is written so that property owners are not legally responsible for keeping graffiti off their property, the ordinance needs to be amended accordingly. Now that you have the ordinance in place, or if it was already in place but not being enforced, you are ready to proceed.

The rest of this section will focus on the unwritten process that I recommend cities use to deal with graffiti on private property. A violation by a property owner of the graffiti ordinance will typically be the responsibility of the city's Code Enforcement Division to investigate. Graffiti programs are "housed" in different city departments and divisions such as public works, police, parks, code, etc. throughout the country. The bottom line is that when a violation for having graffiti on private property occurs, a "code letter" will be sent to the property owner.

**PLEASE SEE BONUS DOCUMENT:
GRAFFITI ORDINANCES THAT WORK
CODE LETTER TO PROPERTY OWNER
PAGE 57**

If the Graffiti Program is located in the Code Division of the city, then there is a fairly seamless process for the staff involved to send out this letter. If the Graffiti Program is in any other division, it is very important for the two divisions to agree to allow the Graffiti Program staff to send out the first

warning "code letter". This is because the staff in the Graffiti Program can expedite this letter and send it out faster than the time it takes to get to the correct Code Inspector who then needs to send out the letter. Graffiti is generally a lower priority for many Code Inspectors and therefore it gets placed behind more pressing health and safety violations. Consequently, Code Inspectors often will take longer to send out the letter than staff in the Graffiti Program. Also, most Code Inspectors would be happy not to have to send out graffiti letters anyway.

Now that we are confident that a graffiti code violation letter will be sent out quickly after it is reported, we can move on to the next requirement that is needed to make this process work.

Most cities track some of the results from their graffiti abatement efforts: square feet of graffiti removed, number of tags removed, location where work was completed, etc. The abatement staff, usually with the work orders from the graffiti hotline (paper or web based), complete their work, fill in some data on the on the work order sheet or electronically, and turn in all of their completed work at the end of the day. If they are using a paper system, someone then takes the completed work orders and enters the information into a computer database that the abatement staff wrote by hand on the paper work orders. If the abatement staff entered the information electronically, then all the fields in the database should already be complete. This database will

have several fields on it.

**PLEASE SEE BONUS DOCUMENT:
GRAFFITI ORDINANCES THAT WORK
DAILY JOB LIST
PAGE 58**

In order for this process to work, the graffiti program needs to have a database that is used to track the crew's work and someone needs to be able to add a few fields to that database.

SECTION 25

LET'S GET THIS PROCESS STARTED!

SECTION HIGHLIGHTS

- What should you do if you receive a hotline call about graffiti on private property or if you run across graffiti on private property when you are doing proactive graffiti removal?
- What should you do before going onto private property and removing graffiti?
- What should you note on your work order regarding permission?

Now you are ready for the phone to ring. When you take a call off the graffiti hotline, it is usually fairly easy to determine if it is private or public property. If it's private property, it is time to initiate your new process. If the abatement staff is doing proactive graffiti abatement and they come across graffiti on private property, they will also want to initiate this same new process.

I, and many of your city attorneys, always recommend getting permission from the property owner, tenant, or business manager before going on to their property and removing graffiti. Whenever you deal with graffiti on private property, ask permission to remove the graffiti from a responsible party at the property. On your work order, you would note the date and person giving

the permission. I know what you are probably thinking: "Wait a minute! Why would I seek permission to remove graffiti when all of these sections are supposed to tell me how to get the property owners to remove graffiti on their own property". Well, remember when I wrote that the city should HELP THE PROPERTY OWNER up to a certain point? This is where some of that "HELPING" comes in. During the conversation when you are getting permission, you are also going to share some other vital information with them that I will discuss in the next section.

SECTION 26

HOW THE CITY HELPS PRIVATE PROPERTY OWNERS

SECTION HIGHLIGHTS

- What does the abatement staff tell the responsible party at the property with graffiti?
- What is the first thing the abatement staff gives to the responsible party?
- What does the abatement staff do for the property owner next?

OK – you are at the property and the property owner gives you permission to remove the graffiti. Now what? Now is when the process is different from the past. The abatement staff will now point out to the person who gave the approval for the abatement work that the city ordinance that is on the approval notice that they signed (or are about to sign) states that the property owner is ultimately responsible to have the graffiti removed. However, because they (city staff) are already there...they will remove the graffiti now. They will also inform them that this is a one-time abatement event and that it is free of charge. However, the next time graffiti appears at this location, they will need to remove it themselves or have someone remove it for them because the city will not do it again. The city staff needs to also inform them that if they do not remove future graffiti on their property, it will be

a code violation and it will be handled through Code Enforcement.

If no one is at the location of the private property that has graffiti, leave a notice that basically states:

- They have graffiti on their property.
- You came by but no one was present
- Graffiti on their property is in violation of the city ordinance (have the actual ordinance number and the paragraph that describes the violation written on the notice).
- That you will provide a one-time free service to remove the graffiti.
- You need their permission to provide this free service.

The notice can be in the form of a sheet of paper that is inserted into a plastic holder that is then attached to the doorknob, or the notice can be printed on cardstock specially designed to fit on a doorknob. You can also use this same notice as the one they can sign to give you permission to remove their graffiti.

Depending on how you choose to write your ordinance, the violation may result in an administration citation that could result in a substantial fine. This is what I recommend because it generally works very well. The other option is for the city to remove the graffiti for the uncooperative property owners and then charge them. To me, this is not worth the time and trouble to jump into this action right away. With the Administrative

Citation process, most cases are resolved before the city takes the last resort of removing the graffiti and charging the property owner. Even though that was our last option in San Jose, we never had to resort to it because all the delinquent graffiti cases were resolved before it came to that. However, in some cities, especially ones with a lot of abandoned homes and buildings and/or absentee owners, the city may have no choice but to remove the graffiti themselves.

SECTION 27

MORE HELP FOR PRIVATE PROPERTY OWNERS

SECTION HIGHLIGHTS

- What does the abatement staff provide for the responsible person at the property?
- Why is leaving free paint at the property important?
- Should the city make any concessions for age or disabilities?

So far you have checked your database and you have determined that the private property with graffiti on it has not been serviced by you for graffiti abatement since the date you have begun this new process. You have given a responsible person at the property a notice that includes the written language of the graffiti ordinance and have received his authorization for you to remove the currently existing graffiti. You have removed the graffiti for free, and have verbally informed him that the property owner will be responsible for any future graffiti on this property. Now what? The final good will gesture will be to offer him free paint so that if the property is vandalized with graffiti again, he will have the paint to cover it up. If you expect that this is a location that will not get tagged often in the future, leave just a little paint. If this is a frequent target of graffiti vandals, leave up to one gallon. Regardless of how much you leave, let him know that if he runs out, you will be happy to give

more in the future.

When the media, business owners and residents first hear that the city is about to require property owners to remove graffiti on their property, one of the biggest concerns is that this will be a financial hardship on some people who are struggling to make ends meet. Giving away free paint totally eliminates that concern. The city is still contributing to the removal of graffiti on private property by supplying free paint even though they have no legal responsibility to do so; and it is still realizing a substantial savings. The reason for this is that the cost of paint is negligible compared to the cost of labor needed to drive to the site of the graffiti and abate it. This time can now be spent improving your response time for your graffiti hotline calls or doing proactive work keeping city property graffiti-free.

One final concern that may arise when implementing this new process is “What about the 85-year-old blind woman in a wheel chair who has graffiti on her fence? How is she going to paint over the graffiti?” I had that same question when we implemented this process. To find the answer to that question I took the Superintendent of the Office of Aging to lunch to get his advice. I was thinking that if someone possessed an official “Handicap parking pass” for his vehicle, then he would be exempt from this process and the city would remove the graffiti for free. To my surprise, the superintendent told me that there should be no exemptions to this new process. His logic was that

in his many years of working with seniors he found that those still living at home usually have a strong network of family, friends and neighbors to assist them when needed. He reasoned how else could they go to their doctor's appointments, take out the trash, maintain their home, do their laundry, shop, cook and all of the other things needed to get by on a daily basis? He said that someone from their network would help them with the graffiti removal. He also said that if anyone who was incapacitated due to age or disability, and did not have that kind of network would not be able to live alone anyway. They would be living with relatives or in a care facility...where they would not be responsible for graffiti abatement in any case.

Cities in states that require them to offer free graffiti removal to private property owners should still ask those owners to remove their graffiti and in return for helping the city, they will get free paint. Not all property owners will take you up on this offer, but you will be surprised at how many do...and when they do, that is one more spot that you don't have to worry about any more!

Guidebook 3. The Best Solution For Graffiti On Private Property: Graffiti Ordinances That Work.



FREE SUPPLIES

SECTION 28

THE IMPORTANCE OF DOCUMENTATION

SECTION HIGHLIGHTS

- Why is it important to complete the paperwork accurately?
- What will letter from Code Enforcement state?
- What does the abatement staff do if no one is present at the location where the graffiti was reported?

It is very important to complete the paperwork for this process accurately because, on rare occasions, it may be needed as evidence if a conflict arises between the property owner and the city. A Code Enforcement letter will be sent to the property owner if there is a documented report of graffiti on private property where you previously provided the one-time service.

This letter will state that someone at the property was notified by city staff that the property owner is responsible for removing any future graffiti on the property, that the graffiti was removed at that time by city staff for free, and city staff left free paint to use in the event that graffiti returned in the future. In order for all of these statements to be true, the abatement staff needs to mark on their work order sheets or computers that all of these activities did

occur. This documentation will be in the database's Daily Job List form that was discussed in Section 24. Also, the person entering the data into the computer needs to make sure he enters the information from the work order into the computer accurately. A photo of the graffiti before it was removed and of the same spot after it was removed is also very valuable documentation.

Many times the abatement staff will arrive at a location and no one will be there to give them consent to remove the graffiti. In this case, mark the appropriate boxes on the door hanger notice that I discussed in Section 26 and leave it on the doorknob. In most cases, the responsible party will contact your office and give permission. The person who takes the call will mark on the database that verbal permission was given to abate the graffiti, by whom, and on what date. Abatement staff can then remove the graffiti and document their work. Finally, abatement staff can leave paint at the property in a safe place for the responsible party in case the graffiti reoccurs. Of course, that needs to be documented as well. If no one calls the same day or the day after the notice was left, staff should leave a second notice on the doorknob the following day. If there is no response that same day or the next day, then send out the first code letter.

SECTION 29

HERE WE GO AGAIN...THE GRAFFITI IS BACK

SECTION HIGHLIGHTS

- What will the vast majority of property owners do once they have gone through the process I have describes so far if their property gets hit with graffiti again?
- What is the first thing you now check when there is a hotline report of graffiti on private property?
- What do you do if you receive a report of graffiti on private property that you have already serviced?

Now it's time again for a review. City abatement staff went to private property with graffiti. They gave the responsible party the notice. Check. They got permission to remove the graffiti. Check. They told the party that they would abate the graffiti this time for free. Check. They left paint for the party and told them they could have more if they needed it. Check. They documented all of this on the work order. Check. Someone entered all of that documentation into the graffiti abatement database. Check. So far, so good. The vast majority of property owners who go through this process will now keep their property graffiti-free and the city will seldom receive future notices about graffiti on these properties.

Congratulations!

Unfortunately, it is inevitable that graffiti will reoccur on one of these properties. The first thing to do when any hotline calls come in is to check the database and determine if you have been there since you started this new system. If you find one; what then? The first thing you do is check the documentation in the database to make sure all of the steps that we have discussed in this section were completed. Then, someone from the graffiti staff should go to the property and check it out. Is the graffiti still there? Perhaps it was removed between the time that it was reported on your graffiti hotline and the time staff made it out to the property. If the graffiti is gone, make the necessary documentation on the database and you're done.

However, if the staff does notice graffiti on the property, they should take a photo of it and come back to the office. Next, complete the necessary documentation on the code letter. Insert the photo of the graffiti into the letter. Find the owner's address and mail the code letter that was discussed in Section 24. This letter needs to be mailed on the same day that the photo was taken.

SECTION 30

CLOSING THE LOOP

SECTION HIGHLIGHTS

- What should staff do on the exact date that the graffiti was required to be removed?
- What happens if the graffiti is gone?
- What happens if the graffiti is still there?

Now the case is handled like any other code enforcement case. The code letter that was sent will give the owner a specified length of time to comply with the order to remove the graffiti, usually seven to ten days. On the exact date that the time period is reached, one of the graffiti staff should return to the property to see if the graffiti is still there. If it is gone, that's great! The case is closed. If it is still there, staff should take a photo of the graffiti and return to the office. Now the property owner is still in violation and has missed the date by when the graffiti should have been removed. The graffiti staff should attach the second picture to the second code letter and send it to Code Enforcement

They will be the ones to handle the case to its conclusion because they are the only ones with the authority to levy fines or direct you to go on to the property and remove the graffiti. Very rarely will things get to this point. This new process will be successful in the vast majority of graffiti cases on

private property. The best part is that the city is holding property owners accountable to keep their property graffiti-free for the long run and also helping them with everything they need in the initial stage.

Make sure that everyone in the chain of command is on the same page, including all the politicians. Also, make sure that the correct person in the organization handles the initial complaints from the property owners who have received the code letter(s) as well as any irate phone calls. I supervised the person who handled the initial complaints. She signed the first code letter. However, I instructed her to give any obnoxious callers to me because she shouldn't have to put up with any verbal abuse. Fortunately, even though she did field several initial complaints from callers who wanted the city to continue removing their graffiti for free, she had to send only two abusive callers my way and I did not need to refer either of those to my supervisor. The bottom line is that even though this system is not 100% full proof, it is very good and works really, really well.

GUIDEBOOK 3 WRAP-UP AT A GLANCE

- There are several components that need to be in an effective graffiti ordinance.
- Many cities have written interesting and/or effective language into their graffiti ordinances.
- Dealing with graffiti on private property is a thorny issue for many cities.
- A strong graffiti ordinance and a creative process will eliminate most of the problems surrounding the issue of removing graffiti on private property.
- Always get permission to remove graffiti off private property from a responsible party before doing so.
- With this new process, you will now remove graffiti as a free one-time only service.
- Always leave free left over paint for the property owner so he can remove any future graffiti.
- Make sure you thoroughly document all of the steps involved in this process in case there is ever a dispute.
- If graffiti is not removed from private property that has already received the service described in this guidebook, the owner should be sent the first graffiti code letter.
- If a private property owner does not remove the graffiti within the allotted time in the first code letter, the second code letter should now be sent, and the administrative citation process initiated.

Guidebook 3. The Best Solution For Graffiti On Private Property: Graffiti Ordinances That Work.

Dealing with graffiti on private property is a tricky issue for many cities. A good ordinance and a good system can make this a win – win situation for all concerned.

CONCLUSION

Thank you for letting me share my experiences with you. I truly feel honored that you trusted me enough to listen to my story. I sincerely hope that you found something in this guidebook and CD that resonated with you and that you can use to improve the graffiti situation in your city. If this does happen, and I really hope that it does, please let me know. I would love to share your success with others!

If you would like more information on strategies that will drastically reduce graffiti in your city, please check our website at www.thegraffiticonsultants.com. There, you can find out more about our innovative Phone Training Program where you have direct access to me and we can work together, one-on-one to correctly and successfully implement any of the recommendations that have sparked your interest from this book and CD.

And finally, also in our website, is information on our full-service consulting packages that are designed to meet the needs and budgets of each individual city. This is really the best way to be sure that your graffiti will go away and stay away.

So, call today and watch your graffiti disappear. Thank you for taking the time to check out the information in this book and CD. I sincerely look forward to your city becoming graffiti-free!

Guidebook 3. The Best Solution For Graffiti On Private Property: Graffiti
Ordinances That Work.

BONUS

DOCUMENTS

BONUS DOCUMENT PAGE 57

CODE LETTER TO PROPERTY OWNER

(CITY NAME)
Code letter to property owners

(CITY ADDRESS AND PHONE NUMBER)

Anti-Graffiti Program

DATE

SUBJECT: Graffiti Violation
LOCATION:

The City's Anti-Graffiti Program has a report of graffiti at the above referenced location. In the past, the City has made efforts to physically remove or paint over graffiti at this location as a courtesy to assist you in maintaining your property. However, we are unable to continue to provide these extraordinary services. We will continue to provide free paint and advice as requested. The Municipal Code places the responsibility for maintenance of private property upon the property owner.

Violation: (CODE #) Real and Personal Property Defaced with Graffiti.
(See photo below)



Corrective Action: Remove the graffiti from the _____.

The above listed violation must be corrected no later than (INSERT DATE) or you will be subject to an Administrative Citation of \$250. If future site visits reveal another violation of this code section within one year of this letter, additional citations may be issued **without further notice**. Fines escalate for repeat violations. The Anti-Graffiti Program will continue to provide you with information, paint and other materials in an effort to aid you in the continued maintenance of your property. Hopefully, as a result of this partnership between you and the City's Anti-Graffiti Program, we will continue to resolve property maintenance issues as they arise.

We would like to thank you for your anticipated cooperation and responsiveness to this matter. If you would like to take advantage of the Anti-Graffiti Program's services or have any questions please call (PHONE NUMBER).

Name
Position

BONUS DOCUMENTS PAGE 58

DAILY JOB LIST

Daily Job List

Entered by _____

SNI Location	100 Mile Route	Expressway	City Route	Low/Mod	Census Tract			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>			
Job #	Who	Area	Description	Color	Hot/Pro	Priv/Pub	County Pocket	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Call	Done	RT	Sq Ft	Entered by	Closed by	Initials	GANG	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input style="border: 2px solid red; width: 20px; height: 20px;" type="checkbox"/>	
Location				S	P	UB	MB	O
<input type="text"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments								
Tags								
LDH1	LDH1 Date	<input type="text"/>	LDH2	LDH2 Date	<input type="text"/>	# of Tags		
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
LP	LP Date	<input type="text"/>	Verbal/Written	VW Consent Date	<input type="text"/>			
<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>			
Refer to OS	Refer to Enforce	<input type="text"/>	Sent Letter to Prop. Owner	Refer to Code Enf.	<input type="text"/>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>			

Refer to County <input type="checkbox"/>	Begin Location <input type="text"/>
Refer to AGP <input type="checkbox"/>	End Location <input type="text"/>
Repeat Contact <input type="checkbox"/>	Start Mileage <input type="text"/>
Refer to Cal Trans <input type="checkbox"/>	End Mileage <input type="text"/>
Refer to CC <input type="checkbox"/>	Total Miles <input type="text"/>
Refer to RDA <input type="checkbox"/>	% Completed <input type="text"/>
Refer to VTA <input type="checkbox"/>	Paint Stops <input type="text"/>
Refer to Signs <input type="checkbox"/>	Cleaning Stops <input type="text"/>
Refer to GSA <input type="checkbox"/>	Contacts Made <input type="text"/>
Refer to SCVWD <input type="checkbox"/>	Expressways Only <input type="checkbox"/>
	Tags Left <input type="text"/>

Rick Stanton is the owner of The Graffiti Consultants. He has a great track record in the development and implementation of highly successful graffiti reducing strategies. He led the City of San Jose's effort that resulted in a 99.88% reduction of graffiti before his retirement. Now as a consultant, Rick and his firm have been working with various cities with amazing results. He can do the same for your city by providing you with tailor made plans that fit not only your city's needs but your budget as well. Call today and watch your graffiti start to disappear!

Don't forget these powerful programs designed to help you drastically reduce graffiti in your city:

- Just How Bad Is It Anyway? How To Conduct A Citywide Graffiti Survey.
- How To Recruit A Volunteer Graffiti Fighting Army.
- The Best Solution For Graffiti On Private Property: Graffiti Ordinances That Work.
- Getting Graffiti Vandals To Stop: How To Establish An Effective "Package of Penalties".
- Tips and Tricks For Catching Graffiti Vandals.
- State Of The Art Graffiti Abatement Strategies For Success.
- Save Money In Your Graffiti Program: What Not To Do.
- Let's Work Together: How To Build A Successful Anti-Graffiti Collaborative Partnership.
- Let's Stop It Before It Starts: Graffiti Prevention And Alternatives.
- Treasure Chest Of Graffiti Related Topics.

ASK ABOUT OUR PERSONALIZED GRAFFITI FREE INITIATIVE FOR YOUR CITY!

ASK ABOUT OUR FULL SERVICE GRAFFITI CONSULTING!