



## Legislation Text

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**File #:** 100198., **Version:** 4

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### GRAFFITI ABATEMENT PROGRAM (B)

Ordinance No. 100198

An Ordinance of the City of Gainesville, Florida, amending Divisions 1 and 2 of Chapter 13 of the Code of Ordinances relating to graffiti; by repealing the definition of graffiti in Division 1, section 13-1 and repealing the reference to graffiti in Division 1, section 13-2; amending Division 2 by creating and adding the Gainesville Graffiti Abatement Program, consisting of sections 13-6 through 13-13; providing title, purpose and findings; definitions; removal of graffiti; reporting of graffiti; graffiti on city property; graffiti on other government property; graffiti on private owned property; failure of owner to abate graffiti; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

### PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee discussed this referral at its September 27, 2010 and January 10, 2011 meetings, hearing reports from staff on how other cities handle their graffiti issues and the issue of gang related graffiti, including the Tallahassee model. At the January 10, 2011 meeting, the Committee voted unanimously to recommend that the City Commission authorize drafting a graffiti abatement ordinance to provide Code Enforcement regulations to handle the clean up of graffiti by private owners; using a model from Miami Beach that was presented to the Committee that states if the owner doesn't clean up the graffiti, the City will clean it up and may bill them for it. This Miami Beach provision was, itself, largely based upon the IMLA Model Anti-Graffiti Ordinance.

### CITY ATTORNEY MEMORANDUM

After researching the issues relating to the elimination and removal of graffiti by other jurisdictions, the City Attorney's Office, in consultation with the City Manager, the Police Department and Code Enforcement Division, revised the proposal as approved by the Public Safety Committee to more specifically address the objective of the Public Safety Committee's recommendation, namely the elimination and removal of graffiti on public and private property. In particular, the proposed ordinance accomplishes the following:

- 1) Defines graffiti in a manner that should withstand judicial scrutiny;
- 2) holds the person who applies the graffiti responsible for its removal or the payment for its removal;
- 3) requires the City Manager to establish an effective reporting program;
- 4) provides for the proper removal of graffiti on public and private property by self-help or by City personnel or the use of community based programs such as Keep Alachua County Beautiful.

At its meeting on February 17, 2011, the City Commission authorized the Clerk of the Commission to advertise and the City Attorney to draft a graffiti abatement ordinance. This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on Thursday, July 21, 2011.