
Legislative Review: BOS File #211151 – Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain Violations; Reinstating Collection of Certain Fees and Fines

Name: Peskin

Date Introduced: 11/2/2021

Date Referred: 12/27/2021

Scheduled for BOS Committee: Public Safety and Neighborhood Services

Legislative Overview: This legislation reinstate fees, fines, and enforcement of the Graffiti Removal and Abatement Ordinance as it applies to private property.

Existing law:

Article 3 of the Public Works Code contains the City’s Graffiti Removal and Abatement Ordinance, which allows DPW to issue Notices of Violation to private property owners who do not abate graffiti within 30 days. After 30 days, if there is no abatement, DPW can issue a Notice of Blight and charge a fee.

In 2020 during the COVID-19 pandemic, following recommendations from the Small Business Commission, the Board of Supervisors passed Ordinance 64-21 which waived fees and fines of Public Works Code 2304 (a), 2305, and 2306 which pertain to graffiti removal and abatement on private property. Per the Ordinance, upon the expiration of the Mayor’s Emergency Proclamation, DPW will resume enforcement, issuance, and collection of fees and fines on private property owners who do not abate graffiti.

The Mayor’s Emergency Proclamation is still in place.

Amendments to Current Law

Proposed changes: This legislation would reinstate full enforcement of Public Works Code Section 2304(a), 2305, and 2306 and collection of fees and fines under the Graffiti Removal and Abatement Ordinance. Any fees that were previously waived will remain waived. This legislation would be implemented 30 days after enactment, regardless of the Mayor’s Emergency Proclamation.

Legislative Intent:

There have been ongoing complaints about unabated graffiti on private property. Without an enforcement mechanism, businesses have left graffiti unabated. Because the end date of the Mayor’s

Emergency Proclamation is unknown, this proposal reinstates the Graffiti Removal and Abatement Ordinance with a date certain.

Background, Issues, and Considerations

Could there be an exemption for small businesses of a certain size? (Portland example)
 What other tools are being consistently offered to commercial property owners? Graffiti kits/paint
 What type of assistance is there elderly/low-income property owners or business owners?
 Helpful info to know: how many businesses utilized the vandalism grant to address graffiti?

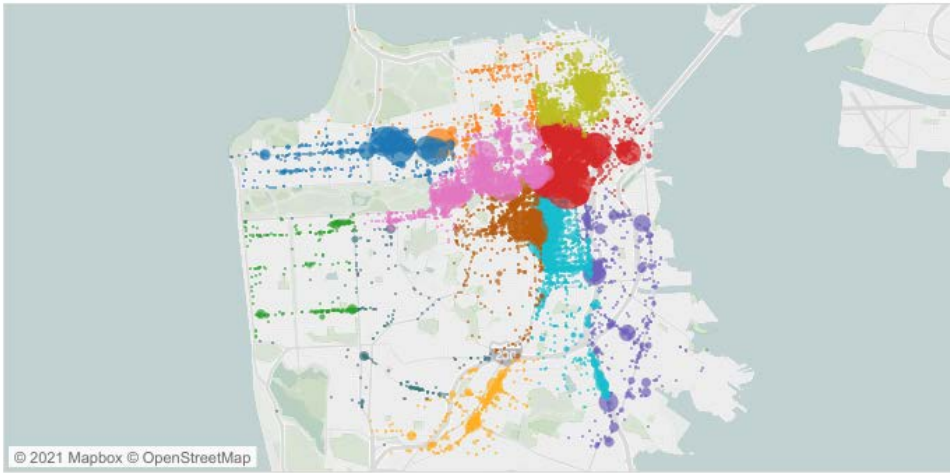
The following table summarizes how other cities address graffiti and cleanup.

City	General Strategies	Notes
NYC	<ul style="list-style-type: none"> • Property owners responsible for cleanup • Fines for non-abatement • City covers cost of cleanup • Exemptions • City offers paint 	Property owners can choose to decline City services if they so choose. https://edc.nyc/program/graffiti-free-nyc
Portland	<ul style="list-style-type: none"> • Property owners responsible for cleanup • Fines for non-abatement • Exemptions 	Property owners have ten days to abate and then face \$250 fine + fees to cover cleaning. Small businesses (<10 employees), nonprofit orgs (<100 employees) and single family homes/apts <10 units are exempt and City covers cost. https://www.portland.gov/civic/graffiti
Boston	<ul style="list-style-type: none"> • City covers cost of cleanup 	Graffiti Busters program
Los Angeles	<ul style="list-style-type: none"> • City covers cost of cleanup 	https://codelibrary.amlegal.com/codes/los_angeles/atest/lamc/0-0-0-135513
Montreal	<ul style="list-style-type: none"> • City covers cost of cleanup excluding paint (which must be provided by property owner) 	https://montreal.ca/en/how-to/remove-graffiti-private-property
Sacramento	<ul style="list-style-type: none"> • Property owners responsible for cleanup • City offers paint 	City provides, free of charge, one of four standardized paint colors for residents to utilize in graffiti removal on their own property. City provides custom color matched paint up to one gallon on a one time basis for the property owner to abate their own property http://www.qcode.us/codes/sacramento/view.php?to pic=8-8_24-8_24_040&frames=on
Vancouver	<ul style="list-style-type: none"> • Property owners responsible for cleanup • City offers paint 	https://vancouver.ca/home-property-development/manage-graffiti.aspx

Amsterdam	<ul style="list-style-type: none"> Property owners responsible for cleanup 	https://www.amsterdam.nl/veelgevraagd/?caseid=%7BDF403EBC-A84A-46EB-A800-39E7355FD3C9%7D
Auckland, New Zealand	<ul style="list-style-type: none"> Property owners responsible for cleanup 	<p>Special consideration given to restorative justice techniques to address graffiti in maori communities-native plantings to alter landscape, murals honoring native culture</p> <p>https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/community-social-development-plans/docsgraffiti/auckland-graffiti-vandalism-prevention-plan.pdf</p>
London	<ul style="list-style-type: none"> Property owners responsible for cleanup 	https://www.londonpolice.ca/en/community/Graffiti.aspx
Chicago	<ul style="list-style-type: none"> City covers cost of cleanup 	https://www.chicago.gov/city/en/depts/streets/provdrs/graffiti_blasters.html
Dallas	<ul style="list-style-type: none"> City covers cost of cleanup 	https://dallascityhall.com/departments/codecompliance/DCH%20documents/CCS-FRM-216%20Graffiti%20Abatement%20Consent%20Form.pdf

DataSF has 2016 geographic data regarding reports of graffiti on private property:

SF311 Graffiti Reports



FISCAL YEAR
FY 2016

PROPERTY TYPE (select)

Private Property	26,616
Public Property	39,362

