To: Chair and Members Committee of the Whole (PED09291)

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Re: Graffiti Eradication Efforts (City Wide)

Council Direction:
During discussion under the "General Information" section of the April 15, 2009 City Council meeting, Councillor Collins raised the following issue:

"Graffiti - need to address the whole issue of public and private property owners who have been victimized on an on-going basis; need to do something above and beyond what is already being done through the City’s Property Standards By-law; look at information from other municipalities dealing with this issue."

This report outlines the City’s various efforts at eradicating graffiti and provides a brief overview of other cities’ efforts/initiatives.

Information:
The problem with graffiti is not unique to Hamilton, but is a problem common to virtually all major Canadian cities. Graffiti is often considered to be a victimless crime. However, a City’s image can be significantly tarnished if the problem of graffiti is ignored, and graffiti removal costs can be a significant pressure for taxpayers. Further, some property owners can be subject to repeated attacks of graffiti causing frustration and financial outlay for continuous removal.

From January 1 to June 30, 2009 there were 179 graffiti claims by City departments submitted to the Risk Management Section with an incurred value of $116,500.00, and this does not include the removal costs for departments responsible for their own graffiti removal. So, it is estimated that the City’s cost of removing of graffiti from public assets could be as high as several hundred thousand dollars annually.
There are two (2) major types of graffiti – gang/hate graffiti is a serious form which requires Police investigation, and the most common form of graffiti is by “taggers” or graffiti artists who often compete with each other for the most and best “tags”.

Documented evidence proves that when graffiti is not removed in a timely manner, the problem proliferates. Therefore, most municipal approaches to the graffiti problem include, among other things, rapid removal efforts. A recent study/experiment in Downtown Vancouver revealed that rapid graffiti removal and constant monitoring for new graffiti virtually eliminated it in one area of the City, while only one block away graffiti continued to be a serious problem.

Hamilton’s procedures for graffiti removal are as follows:

- Municipal property: staff is committed to leading by example and a consolidated Corporate contract has been tendered that provides for removal of hate/gang graffiti from City buildings within 24 hours upon receiving a complaint and 72 hours for all other tags. For smaller incidents not requiring the contractor, procedures are in place to have it removed within the same timelines as the Property Standards By-law (19 days) or sooner.

- Private property: graffiti is enforced under the Property Standards By-law 03-117 on both a proactive and reactive basis. Upon confirming a violation, Municipal Law Enforcement Officers issue an "Order to Comply" to have the graffiti removed, and normally a property owner has a minimum of 19 days to comply. However, Officers can extend the compliance timeline due to such variables as weather, location and extent of the graffiti, etc. An "explanatory" letter is attached to the Order that explains the City's position on the timely removal of graffiti and what efforts the City is taking to manage graffiti and thanking them for their anticipated cooperation.

While the long-term goal is to have a stand-alone Graffiti By-Law for more efficient and effective enforcement, staff are currently working on proposed amendments to the Property Standards By-Law that will allow the City to take enforcement action with respect to graffiti on fences, retaining walls, structures on the property (e.g. cars, play equipment, etc.), commercial bins, as well as interior common areas of buildings such as elevators, hallways, laundry rooms, washrooms, etc.

In response to community concerns about the perceived increasing incidents of graffiti, the Municipal Law Enforcement Section organized a working group (City Graffiti Working Group) consisting of staff from Planning and Economic Development, Public Works, Corporate Services, Community Services and the Hamilton Police Service to coordinate various eradication efforts and to raise public awareness. This group developed an anti-graffiti campaign called “Graffiti is a Crime” which provides the public with information on how to report existing graffiti by calling 546-CITY and graffiti in progress by calling 911. Posters were installed inside 200 buses and 200 bus shelters in addition to being displayed at many City facilities. Police Services recently made several arrests from 911 calls that can be directly attributed to an increased level of public awareness.

A number of other initiatives designed to facilitate the timely removal of graffiti and public awareness include:
- centralized reporting of graffiti via Contact Centre and an on-line reporting option;
- development of a tool to better identify a tagged City asset and the department responsible for removal;
- more accurate data collection/reporting for improved decision making;
- Police, John Howard Society and Public Works (PW) diversion program (youths caught tagging are registered into one of the PW volunteer programs to clean up graffiti on City assets;
- An education program through Community Service Programs during the summer (i.e. supies in parks);
- staff worked with Canada Post who recently launched the new anti-graffiti mailbox in Hamilton, with an anti-graffiti background where the colouring discourages taggers; and,
- Safeguard Hamilton has specially trained Hamilton Police Services Auxiliary members that will conduct home security audits in residential areas. Members of the Safeguard Hamilton Unit received “CPTED” orientation (Crime Prevention Through Environmental Design) that enables them to effectively conduct home security audits and educate property owners.

The Clean City Liaison Committee (CCLC) is developing a comprehensive strategy to deal with graffiti across the City and pending approval of their requested 2010 budget submission several pilot projects are being considered. A “Keep Hamilton Clean & Green” Business Workshop is scheduled for October 2009 to engage external stakeholders in facilitated discussions on combating graffiti.

One of the many issues that staff and the CCLC continue to discuss is how to assist property owners frustrated by repeated attacks of graffiti. Some smaller cities in the United States have programs to remove or assist in the removal of graffiti from private property. However, such a program in a large urban municipality would likely be a significant cost to taxpayers and would raise concerns respecting exposure to liability associated with doing work on private property.

Staff surveyed 13 other Ontario cities (Ottawa, London, Toronto, Sudbury, Waterloo, Windsor, Mississauga, Cambridge, Guelph, Oakville, Vaughan, Kitchener and Burlington). While most are struggling with the issue, at the current time there is no consistent approach/program/effort to fight graffiti in Ontario, except that virtually all acknowledge that the timely removal of graffiti is critical in the fight to eradicate graffiti.

Ottawa and London have taken more aggressive measures by enacting by-laws which restrict the sale of graffiti products to minors (e.g. aerosol paint, paint pens, glass etching tools, broad felt makers, etc). As the By-laws are relatively new, their effects are not yet known. Staff will continue to monitor the experience/results in Ottawa and London, but enacting a by-law which prohibits the sale of graffiti products does not appear to be a practical solution for Hamilton for the following reasons:

- graffiti products would continue to be readily available outside the City borders and on-line; and,
while graffiti products are generally considered to be aerosol paint cans; etching solutions, etc., the products which could be used for graffiti are endless such that it would be virtually impossible to precisely define graffiti products for enforcement purposes.

In summary, eradicating graffiti is a challenge faced by most urban municipalities, and it is acknowledged that the prompt removal of graffiti is a critical tool in the fight. Staff, therefore, enforces graffiti both proactively and reactively and has established protocols for prompt removal from City owned facilities/assets. Investigations continue into how to assist property owners who are subject to repeat graffiti attacks, and Enforcement staff take such situations into consideration when allowing time for compliance. Staff will soon be recommending amendments to the Property Standards By-Law to allow enforcement for graffiti on fences, retaining walls, structures on the property (e.g. cars, play equipment, etc.), commercial bins, as well as interior common areas of buildings such as elevators, hallways, laundry rooms, washrooms, etc., and will report with any other suggestions to eradicate graffiti as necessary.

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