



LIST OF PRIVATE PROPERTY REPORTS TO GRAFFITI APRIL 18 TH THROUGH AUGUST 8, 1997

DATE	ADDRESS	NO.	COMMENTS	REMOVED?
04/18/97	Massachusetts Ave.	2255		Yes
04/18/97	Massachusetts Ave.	2282	Starlight Video	No
04/18/97	Massachusetts Ave.	2310	Frank's Steak House	Yes
04/18/97	Pemberton St	167	Owner Reported	Yes
04/28/97	Richdale Avenue	75	Owner Reported/Did not want police notified	No
04/29/97	Mt. Auburn St.	118	Waverly Hall (Harvard University)	No
05/07/97	Harvard St.	125	Tante Hazel Restaurant	No
05/07/97	Harvard St.	111-113		Yes but new added
05/07/97	Portland St.	141	U. S. Trust Bldg.	Yes
05/09/97	Harvard St.	119		No
05/09/97	Massachusetts Ave	580		No
05/09/97	Massachusetts Ave	985	Friendly Eating Shop (Pizza Store)	No
05/09/97	Massachusetts Ave	580B		No
05/09/97	Portland St.	125	Homeowner Reported	Yes
05/13/97	Broadway	420	Sage's Market	Yes/some shadow
05/13/97	Broadway	444	Formerly Angelo's Pizza	No
05/19/97	Brattle St.	52	Walk-Around	No
05/19/97	Brattle St.	108	Walk-Around	Yes
05/19/97	Brattle St.	121	Walk-Around	No
05/19/97	Cambridge St.	1092	Walk-Around	Yes
05/19/97	Cambridge Street	819	Walk-Around - Ponts Insurance	Yes
05/19/97	Dudley St.	75	Walk-Around - Variety Store	Partially Removed
05/19/97	Fifth Street	179	Walk-Around	No
05/19/97	Kirkland St.	100	Walk Around -(Old Savenor Liquors)	No
05/19/97	Massachusetts Ave	1712	Walk Around - Chang Sho Restaurant	Yes
05/19/97	Massachusetts Avenue	1685	Walk Around	No
05/19/97	Massachusetts Avenue	1739	Walk Around -Irish Imports	Yes
05/19/97	Massachusetts Avenue	1638-1642	Walk Around	1/2 removed
05/19/97	Mt. Auburn St.	118	Walk Around - Waverly Hall	Yes
05/19/97	Mt. Auburn St.	185	Walk Around	No
05/19/97	Thorndike Street	84	Walk Around	Partially Removed
05/20/97	Belmont St	3-9	Walk Around	Yes
05/20/97	Cambridge St	613	Walk Around	No
05/20/97	Cambridge St.	1121	Walk Around - Faialense Sports Club	Yes
05/20/97	Massachusetts Ave	1737	Walk Around	No
05/20/97	Massachusetts Ave	180	Walk Around	No
05/20/97	Massachusetts Ave.	1230	Walk Around	No
05/20/97	Oxford St.	102	Walk Around - Oxford Spa	No
05/20/97	Third St	19	Walk Around	No
05/20/97	Willard St	40	Walk Around - Skating Rink	Yes
06/04/97	Inman St.	100	Owner reported & requested removal info	Yes
06/20/97	Broadway	205	CPA Firm	No
06/20/97	Cambridge St	337	Convenience Store	Attempted/Shadows
06/20/97	Cambridge St.	1149	PIP Printing	Yes
06/30/97	Broadway	400		Yes/some shadow
06/30/97	Harvard St	333		Yes
07/16/97	Harvard St	125	Called by Owner/Working w Police Surveillance	No
07/22/97	Mass Ave	991	Frank Duehay	No
07/22/97	Mass. Ave.	731	Frank Duehay	No
07/22/97	Bigelow St.	12	Frank Duehay	No
07/18/97	Mass. Ave.	985		No
08/06/97	Mass Ave.	1000	Frank Duehay	No
08/06/97	Mass. Ave.	881-885	Frank Duehay	Attempt made
08/06/97	Broadway	400	Frank Duehay	Yes/some shadow

The following graffiti ordinance could be considered as new Cambridge City Code Section 9.04.080.

A. Findings.

The defacing of public and private property by graffiti has contributed to the degradation and blight of neighborhoods within the City. Such graffiti constitutes a nuisance which endangers the public health, safety and welfare. It also negatively affects property values.

Therefore, the prompt removal of graffiti is required. In the event graffiti is not removed promptly, it is appropriate for the City to remove it, in order to abate the nuisance, and to charge the cost thereof as a lien against the property. See generally, G.L.c.111, s.125.

B. Definition of Graffiti.

"Graffiti" means any letters, numbers, word or words, writing, inscription, symbol, drawing, carving, etching or other marking of any nature, on any exposed surface on public or private property, without the consent of the owner, which defaces, obliterates, covers, alters, damages, mars or destroys the property. Graffiti

shall not include the occasional and temporary marking of public streets or sidewalks with chalk for traditional children's games, nor shall it include any words, letters, symbols, logos, or numbers which convey information, an announcement, a direction or an advertisement which are in compliance with the regulation concerning signs as set forth in Article 7.000 of the Zoning Ordinance.

C. Removal of Graffiti.

(1) It is a violation of this ordinance to apply graffiti. Any person who applies graffiti shall be responsible to pay for the cost of its removal. The manner of such removal must be approved by the property owner and the City Public Works Commissioner or his/her designee. Failure of the graffiti writer to pay promptly the cost of such removal is a violation of this ordinance. Where graffiti is applied by an unemancipated minor, the parent(s) or legal guardian(s) shall be responsible for the cost of the removal up to five thousand (\$5,000.00) dollars.

(2) When the graffiti writer is unknown, the owner of the property shall remove the graffiti from all buildings, fences and other exposed surfaces on their property within 60 days following discovery thereof, or within 60 days after receipt of a certified notice from the City Department of Public Works requiring such removal, whichever occurs first.

D. Abatement of Nuisance by City.

(1) If an owner fails to remove the graffiti in a timely manner, the City may enter upon the owner's property and remove the graffiti. Prior to entering upon private property, the City shall obtain the owner's or occupant's written consent and a signed release from liability.

(2) If the City is unable to obtain the consent and release referred to in paragraph D.(1), the City may send a notice to the owner (which shall be in addition to the notice provided for in paragraph C.(2) above), by certified mail return receipt requested, stating that the owner is maintaining graffiti which constitutes a public nuisance in violation of this ordinance. The notice shall also state that if the graffiti is not removed by the owner within 20 days, the City itself proposes to remove the graffiti and the cost of such removal shall be a debt of the owner, which, if not paid within 30 days after presentation of the bill, shall be made a lien upon the property.

The owner may in writing request a hearing before the Commissioner of Public Works or his/her designee within the 20 day period after receiving the notice. The City shall not take action to remove the graffiti until after the hearing. At the hearing, any protest to the City's proposed action shall be heard and determined. The owner shall be notified in writing of the City's

decision after hearing, which shall not be appealable. Unless the owner has shown good cause at the hearing why the City should not remove the graffiti and charge the owner for the cost, the City may, after the decision has issued, remove the graffiti at issue. The City may waive payment by the owner of the cost of removal in cases of indigency or for other good cause shown.

E. Penalty.

A violation of this ordinance shall be punishable by a fine of \$50.00. Each day such violation continues may constitute a separate violation.

CITY OF BOSTON GRAFFITI PROGRAM

The graffiti program is essentially a removal program, and has been in operation for two years. The program began a marketing campaign in June of 1997 and as a result, activity has significantly increased. This unit removes graffiti predominately from private property; city departments (i.e. Public Works, Transportation) are directly responsible for removing graffiti from their property. Key elements of its program are as follows:

Resources:

- The program is run out of the Property Management Department of the City of Boston, and has three people dedicated to graffiti removal: a supervisor and two inspectors/superintendents.
- There is not a separate cost center in the departmental budget for graffiti removal so the manager of the program was unable to give a precise budget figure. The manager's estimate includes: \$75,000 for truck and equipment (one-time start-up); \$150,000 salaries (not including benefits); and \$50,000 for supplies and water.
- The program has one truck with a lift that contains its own water source (a 600 gallon tank) with a power washer with the ability to use hot or cold water or baking soda. The truck also transports black, gray and white paint.

Operations:

- The essence of the Boston program involves free removal (to the owner) of graffiti from property. Most of their work is on private property, after first obtaining a liability waiver from the owner.
- Graffiti removal crew will power blast or paint over graffiti. They use black, gray or white paint (the owner chooses). If the owner provides a colored paint, they will use that paint. When painting a surface, they paint the entire wall, and will not just paint over the area with graffiti.
- Boston's recycling program has a paint recycling element. The graffiti program is exploring use of this paint to match different paint colors.
- Similar to Cambridge's program, the City of Boston calls upon the Post Office, the MDC, MBTA, the Electric Company and other city departments to remove graffiti from its property.
- The Boston program is only a removal program; they do not notify the Police Department when graffiti is identified. In fact, graffiti may be identified by a police officer and called into the graffiti program for removal.

- Once a piece of property with graffiti on it is identified (usually from a tip from the graffiti hot line or from the police), the graffiti inspector goes to the property and leaves a "hanger" on the door knob or door knocker with a letter requesting permission to remove the graffiti along with a waiver.
- Boston still experiences problems with absentee landlords or other owners that, for whatever reason, refuse to let the City remove the graffiti and do not remove it themselves. There apparently is an ordinance allowing the City to fine the owner for non-removal, but according to the program manager, it "does not have teeth."
- Boston does not use coating products.
- Graffiti removal can take up to a month, from the time a request is made. An offensive remark, however, can be removed on the same day it is identified.
- In the past year, the unit has cleaned up approximately 500 sites. Since the new marketing campaign began in July, approximately 150 requests for removal have been made.



CITY OF CAMBRIDGE
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26.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 8, 1997

To the Honorable, the City Council:

In response to Awaiting Reports #3 and #30 regarding graffiti removal by private property owners, and a report on the number of owners who have removed the graffiti reported between April and July, please be advised of the following:

The Department of Public Works has prepared a list of private property reports of graffiti between April 18 and August 6 (attached). Of the 54 reports of graffiti, 26 (48%) owners have removed or attempted to remove the graffiti.

There are a number of options that City can consider to ensure that graffiti is removed from private property. The method the City has been using to date has been to inform property owners of their responsibilities, requesting that they remove the graffiti, and offering technical assistance for these efforts. Other options include:

- (1) The City Council can enact an ordinance making it the property owners responsibility to remove graffiti. A draft ordinance is attached for your consideration; and
- (2) The City can create a dedicated graffiti removal crew which will remove (or paint over) graffiti from private property, with an owner's consent. This is the method the City of Boston uses. An overview of the Boston program is attached.

I recommend that this report be forwarded to the City Council Committee on Environment for discussion and consideration.

Very truly yours,

Robert W. Healy
City Manager

Attachments

Consent Agenda #26

5-536

Relative to Awaiting Report Item
Numbers Three and Thirty, regarding
graffiti removal by private property
owners.

In City Council September 8, 1997

Referred to the
Environment
Committee on the
motion of
Councillor Davis