
CITY OF KELOWNA

MEMORANDUM

Date: August 29, 2001
File No.: 0540-20
To: City Manager
From: Planning and Development Services Department
Subject: Graffiti Prevention Program
Report prepared by Greg Routley, Planner – Long Range

RECOMMENDATION

THAT Council receive the information relating to a proposed Graffiti Prevention Program as outlined in the Planning and Development Services Department report of August 8, 2001;

AND THAT Council adopt the Council Policy on graffiti as set out in the Planning and Development Services Department Report of August 8, 2001;

AND THAT Council direct Civic Properties to assume primary responsibility for removing graffiti from all City-owned structures and buildings within a 24 hour period of the graffiti being reported;

AND FURTHER THAT Council request that Civic Properties submit a supplemental budget request for \$15,000, to be used for graffiti removal and prevention programs, for consideration at the time of 2002 budget deliberations.

BACKGROUND

At the Regular Meeting of Monday, November 6, 2000, Council adopted the following resolution:

THAT the Town Centre Implementation Committee report of October 25, 2000 be received by Council.

AND THAT, in the context of the recommended course of action by the Town Centre Implementation Committee, Council direct City staff to continue to pursue means by which to improve the prevention and removal of graffiti in Kelowna, and report back to Council on any financial and enforcement ramifications of an improved program for addressing graffiti.

AND FURTHER THAT the Council position with respect to graffiti is that the City of Kelowna opposes graffiti and considers it a crime and urges businesses to remove it immediately.

Over the winter months, staff conducted some preliminary research on anti-graffiti programs and reported these findings to the Town Centre Implementation Committee on June 8, 2001. At that meeting, Committee members requested that staff make a presentation to Council to discuss enforcement of anti-graffiti bylaws to recommend direction as to what steps to take in graffiti prevention and control.

The intent of this report is to summarise information relating to current graffiti prevention efforts, to recommend a Council Policy on Graffiti and to report on the financial and enforcement ramifications of an expanded anti-graffiti program.

EXISTING GRAFFITI PREVENTION PROGRAMS

City of Kelowna

Graffiti can be reported to the City of Kelowna by phoning the 'Graffiti Hotline' on the Works and Utilities Customer Service Action Line or by phoning the Parks Division. Reports of graffiti on City properties are forwarded to the department responsible for the property.

In addition to responding to reports of graffiti from the general public, the City conducts regular site inspections of City-owned properties, particularly to sites that are most often hit by graffiti. Staff also conduct site inspections to determine if any graffiti requires removal prior to special community events. It is estimated that the City currently spends \$50,000 in labour and material costs related to removing graffiti from City-owned buildings and structures.

West Kootenay Power Ltd., TELUS, Canada Post, B.C. Transit and School District No. 23

West Kootenay Power Ltd. (WKPL), TELUS, Canada Post and B.C. Transit respond to reports of graffiti from the general public by conducting inspections of reported graffiti sites. If deemed necessary, staff remove or paint over graffiti placed on buildings and structures owned by these organisations.

Graffiti on School District No. 23 schools is removed within a 24-hour period. Custodians at each school conduct a site inspection every morning at 6:00 a.m. If graffiti is present, a painter is called to paint over the graffiti. The School District's goal is to have all graffiti removed from school grounds by 7:00 a.m. every morning. The objective of this goal is to prevent students from ever seeing the graffiti.

City staff have approached representatives of the above local agencies and utility companies to determine if a partnership could be established between the City and these organisations. While it was acknowledged that co-ordinating efforts to remove graffiti would help improve the prevention of graffiti throughout the City, it was determined that existing labour contracts and union agreements would render it difficult to quickly reach formal agreements to have graffiti removed by any one group. It was, however, agreed that improving the way local organisations communicate with each other could enhance graffiti prevention/removal programs. It was also noted that the City would likely be the only agency in a position to co-ordinate such an effort.

RCMP and Central Okanagan Crime Stoppers

The Community Operations Support Unit of the Kelowna RCMP detachment and the Crime Stoppers of the Central Okanagan continue to work on ways to deal with graffiti vandalism. To date, resources have been focused on cataloguing graffiti around Kelowna and on meeting with local groups to discuss the impacts of graffiti. Currently, the Community Operations Support Unit is expanding the program to include more effective enforcement and educational strategies.

Other Local Organisations

The Downtown Kelowna Association (DKA), in partnership with Creative Community Services (CCS), has established a team of individuals who, on prior request, periodically clean or paint over graffiti on structures along downtown streets. The CCS Program is a community-based correctional program. It is designed to assist youth and adult participants who are referred via the court system's Diversion or Alternate Measures Programs. The CCS Program refers participants to the Graffiti Removal Program. The DKA provides the painters with paint and brushes and arranges for the locations to be painted. Graffiti in the downtown area can be reported by phoning the DKA office.

Private Properties

Reports of graffiti on private properties can be reported to the City of Kelowna 'Graffiti Hotline'. These reports are forwarded to the affected property owners via the Bylaw Enforcement Division. The Bylaw Enforcement Division is responsible for administering the Unsightly Premises and Visual Nuisance Bylaw No. 8217.

The Unsightly Premises and Visual Nuisance Bylaw states that no person may place graffiti on walls, fences or elsewhere on or adjacent to a public place. Furthermore, no owner or occupier of real property may allow their property to become or remain unsightly by accumulation of graffiti. In order to enforce this, the Bylaw requires owners or occupiers of real property to remove unsightly accumulations of graffiti. The Bylaw provides that if a person fails to remove graffiti, a Bylaw Enforcement Officer may issue a written order requiring that the graffiti be removed. If the graffiti is not removed in response to such an order, a Bylaw Enforcement Officer or designate may enter on the property and remove the graffiti at the expense of the person who has failed to comply.

Every person who violates a provision of Unsightly Premises and Visual Nuisance Bylaw No.8217 commits an offence and is liable on summary conviction to the penalties provided under the Offence Act or, where applicable, to the penalties imposed under the City of Kelowna Ticket Information Utilisation Bylaw No. 6550-89. Schedule 11 of the Bylaw sets a \$100.00 fine for placing graffiti on property and for permitting property to remain unsightly.

Summary of Current Efforts

As noted above, the City of Kelowna, private property owners, local businesses, and local agencies spend considerable time and money on removing graffiti. Despite the active involvement of many players, it seems that graffiti placement is continuing unabated.

PROPOSED APPROACH

At the direction of Council, City staff have been reviewing options for improving graffiti prevention efforts.

Development of a Formal Policy

There is currently no formal City direction concerning graffiti. Staff is recommending adoption of a formal policy on graffiti and inclusion of such in the City's Council Policy Manual. Such a policy statement would clarify the City's stance on graffiti, support the basis for establishing a

Graffiti Prevention Program, and state the City's commitment towards working with private property owners and local agencies to find long-term solutions that prevent graffiti vandalism. The following outlines the proposed Council Policy on Graffiti:

The City of Kelowna recognises the social and economic consequences of graffiti vandalism. Graffiti vandalism is a crime and attracts forms of street delinquency. This in turn can lead to fear, anxiety and frustration amongst the City's residents. Graffiti vandalism can also discourage tourism and cause property values and business growth to decline.

Improving the prevention of graffiti in Kelowna would benefit the community by ensuring buildings and structures are maintained in a visually appealing condition, thereby helping to improve the community's image and strong sense of pride. This would help reduce criminal activities and create a better business climate.

The City of Kelowna will endeavour to be a leader in co-ordinating efforts with private property owners, local agencies and non-profit groups in order to establish long-term solutions towards preventing graffiti vandalism.

In order to help prevent graffiti vandalism, the City of Kelowna will implement the Graffiti Prevention Program outlined below. The effectiveness of the Graffiti Prevention Program will be monitored on an annual basis.

1. The City of Kelowna will conduct an inspection of all City properties on a weekly basis to remove graffiti placed on City-owned facilities.
2. The City of Kelowna will endeavour to remove graffiti from City-owned property within 24 hours after the graffiti is reported on the Graffiti Hotline.
3. The City of Kelowna will maintain a Graffiti Hotline to allow citizens to report graffiti on private and public properties. The Graffiti Hotline will be a telephone number and email address and will be advertised in local newspapers, various City brochures, on the City Website and in the City of Kelowna Directory in the TELUS Blue Pages. The City will monitor graffiti complaints and forward this information to the RCMP.
4. The City of Kelowna will endeavour to forward information related to reports of graffiti on private property to the owners or agencies responsible for the maintenance of the property. The persons notified will be asked to remove the graffiti as soon as possible and will be offered information on how to properly deal with graffiti and how to prevent future incidents. This information will be made available in print form and on the City's Website.
5. In accordance with the City of Kelowna Unsightly Premises and Visual Nuisance Bylaw No. 8217, City staff or designates may enter on a property and remove graffiti at the expense of the property owner if the property owner fails to remove graffiti in response to a formal notification from the City.
6. The City of Kelowna, in co-operation with the RCMP, will continue to monitor graffiti prevention strategies to ensure on-going effectiveness.

Improving Communication

As noted above, the City currently provides a Customer Service Action Line that allows Kelowna residents to report problems related to various City operations, including snow removal, roadways, water, sewer, drainage, waste and electricity. The Action Line also provides an opportunity for residents to report graffiti vandalism. The telephone number for this line is provided in the TELUS Blue Pages under the City of Kelowna Works and Utilities section. The number for the Customer Service Action Line is also provided in various City information brochures.

It is recommended that the City continue to use the Works and Utilities Customer Service Action Line in order to access the 'Graffiti Hotline'. However, in order to improve the effectiveness of this line of communication, it is also recommended that the 'Graffiti Hotline' be placed in the TELUS Blue Pages as a stand-alone telephone number, separate from the Works and Utilities Customer Service Action Line. A stand-alone 'Graffiti Hotline' telephone number in the TELUS Blue Pages would be easier to find, as most people do not associate graffiti with Works and Utilities operations.

In addition to the 'Graffiti Hotline', it is recommended that the City (either Works and Utilities or Civic Properties staff) maintain a 'Graffiti Hotline' email address that could be used to report graffiti via the Internet. The email address could be advertised along with the 'Graffiti Hotline' telephone number in City information brochures as well as on the City's Website.

Encouraging Clean-up on Private Properties

Once a report of graffiti on private property is received, it is recommended that City staff forward the report to the owner or agency responsible for the maintenance of the affected property. This would include notifying local agencies which own above-ground utility kiosks located on City-owned right-of-ways. The persons notified could be informed of the benefits of removing graffiti as soon as possible and be offered information on how to properly deal with graffiti and how to prevent future incidents. This information could be provided in the form of brochures as well as by providing information on the City's Website.

Graffiti prevention efforts will be most successful if all private property owners and local agencies accept the responsibility of maintaining their own properties. Therefore, assisting private property owners and local agencies with information on how to properly remove and prevent graffiti is recommended as opposed to assisting with the costs associated with cleaning up graffiti.

Clean-up on City-owned Properties

Once a report of graffiti on City-owned property is received, it is recommended that City staff forward the report to the Civic Properties Paint Shop. As noted above, reports of graffiti on City properties are currently forwarded to the department responsible for the maintenance of the property. In order to improve the efficiency of the City's graffiti removal efforts, it is recommended that the Civic Properties Paint Shop Crew remove graffiti from all City-owned structures and buildings as opposed to having this done by individual crews from various departments. The Paint Shop Crew has the necessary staff, tools and experience to properly manage this task.

Where a City crew comes across graffiti while doing maintenance work, it may, at times, be more efficient for that crew to remove the graffiti than it would be for the Paint Shop crew. In situations where it would be efficient, it is recommended that certain City crews continue to remove graffiti while conducting ongoing maintenance and repairs.

Enforcement

It is recommended that reports of graffiti on privately owned buildings and structures continue to be forwarded to the affected property owners/managers via the Bylaw Enforcement Division. In addition to outlining the provisions of the Unsightly Premises and Visual Nuisance Bylaw, the Bylaw Enforcement Division could inform the persons notified of the benefits of preventing and removing graffiti.

With regard to persons caught placing graffiti on private or public property, it is recommended that the Bylaw Enforcement Division continue to fine those caught as has been the practise to date and that this approach be monitored to determine whether further deterrents are necessary.

Newly enacted Provincial legislation allows property owners who suffer property loss or damage through the intentional act of a minor to seek damages from the minor's parents for financial compensation. Previously, property owners faced a legal challenge to establish not only that the minor damaged the property, but also that the parents were negligent in their supervision of the child. Under the new legislation, parents will have a responsibility to demonstrate that they were exercising reasonable supervision over the child – and also that they made reasonable efforts to prevent or discourage the child from engaging in the kind of activity that caused the damage. Property owners can sue through small claims court for up to \$10,000.

Financing Graffiti Prevention Program

It is estimated that an expanded Graffiti Prevention Program would, on an annual basis, cost approximately \$65,000. The costs for an expanded Graffiti Prevention Program would be associated with the additional labour and material costs associated with an anticipated increase in the City's graffiti removal efforts.

Funds totalling \$50,000 can be redirected from the various departments (Civic Properties, Parks, Roadways, and Wastewater) currently involved in graffiti removal to the Civic Properties Paint Shop budget. In this regard, it is recommended that each department, as part of their 2002 budget submissions, submit recommendations for the appropriate budget transfers. In order to cover the additional costs associated with an expanded program, it is recommended that Council also consider allocating, through a Civic Properties 2002 supplemental budget request, an additional \$15,000 towards the Civic Properties Paint Shop budget.

Other labour and material costs associated with the program, such as Bylaw Enforcement, 'Graffiti Hotline' and advertising costs, would be covered through existing departmental budgets. In future years, after careful monitoring, the ability to cover these costs through existing departmental budgets may need to be re-evaluated.

Monitoring Graffiti Prevention Program

It is recommended that the City carefully monitor the cost and effectiveness of the Graffiti Prevention Program. To effectively monitor the Program, it is recommended that the Planning and Development Services Department, in co-operation with the Community Operations Support Unit, continue to co-ordinate meetings with all community groups that are impacted by graffiti. The meetings would bring together representatives from other City departments, local agencies, utility companies, non-profit groups and local businesses/residents. To initiate these meetings, letters would be forwarded to these groups, outlining the City's new graffiti policy and prevention program and inviting each group to continue to work with the City towards finding solutions to establish long-term to prevent graffiti.

The approach this report recommends is fairly basic. The strategies suggested have been selected on the basis of their appropriateness for the types of graffiti problems currently being experienced in Kelowna and for their relative ease of implementation. If the strategies suggested in this report prove insufficient, there remain other options which can be explored.

Such initiatives could include cost sharing and co-ordinated graffiti removal programs involving local community groups and agencies, the implementation of 'zero-tolerance' graffiti-free zones, restrictions on the sales of spray paints and markers and government subsidies for private property owners and non-profit groups to help off-set the costs associated with removing or preventing graffiti.

SUMMARY

In assessing the merit of devoting resources to the proposed Graffiti Prevention Program, it is important to acknowledge the potential long-term savings to private property owners, local agencies, and the City. An effective program will hopefully reduce graffiti incidents and thereby ultimately result in fewer resources being needed to repair damage caused by graffiti vandalism.

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Approved for inclusion ☐

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