



BOARD/COMMISSION RECOMMENDATION

(Downtown Commission)

Recommendation Number: (20230315-5) Recommendation for Anti-Graffiti Policy

WHEREAS graffiti is a crime under the laws of the State of Texas; and

WHEREAS Title 7 of the Texas State Penal Code §28.08 addresses offenses against property, including graffiti. A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with paint, an indelible marker, or an etching or engraving device.

WHEREAS Title 7 of the Texas Penal Code §30.05 addresses criminal trespass. With notice, a person commits an offense if he enters or remains on or in property, including an aircraft or other vehicle, of another without effective consent or he enters or remains in a building of another without effective consent; and

WHEREAS Title 3, of the Texas Penal Code §12.43 establishes penalties for repeat and habitual misdemeanor offenders.

WHEREAS graffiti is a public nuisance; and

WHEREAS graffiti defaces private, business and public property leaving the property owner and the taxpayer to bear the burden of remediation and adversely affecting citizens, communities, businesses and property values; and

WHEREAS vandals risk their lives and potentially the lives of others when tagging or attempting to tag property; and

WHEREAS the Center for Problem-Oriented Policing estimates the graffiti problem costs our nation \$12 billion annually; and

WHEREAS graffiti is a growing and ever more costly problem in the City of Austin per the following examples;

- 1) Austin Parks and Recreation Department spends \$546,000, Building Services contracts with a third party for \$437,325 for graffiti abatement, and while other departments neither track instances of graffiti nor costs associated with abatement, they periodically conduct graffiti abatement in the course of their other work thus drawing time and resources away from their primary service; and
- 2) TXDoT and CTRMA together incur costs of more than \$150,000 annually abating graffiti through just the central sections of IH35 and MoPac Loop 1; and
- 3) Graffiti on private property in Austin costs individuals and businesses significant expense; and
- 4) The Downtown Austin Alliance abated 26,485 instances of graffiti and stickers/posters in the Austin Downtown Public Improvement District in 2022 through a third party vendor

requiring the expenditure of significant funds that could be utilized better elsewhere;
and

- 5) Tagging of traffic signage creates public safety hazards and the signs must be discarded because abatement methods damage the reflective coating critical for visibility resulting in additional cost to the taxpayer

WHEREAS according to studies, the investment required to prevent and tackle graffiti and related vandalism must be long-term, sustained, and targeted; and

WHEREAS the City of Austin has a fragmented and ineffective approach to addressing the growing graffiti problem in Austin; and

WHEREAS peer cities such as San Antonio have robust anti-graffiti and related educational programs that the City of Austin could model.

NOW THEREFORE BE IT RESOLVED THAT the Downtown Commission recommends and urges that the Austin City Council:

- 1) Immediately direct the City Manager to establish an Anti-Graffiti Unit to be placed within a department it determines best supports the Unit's mission i.e. Code Enforcement, Public Works, etc. to:
 - a) Receive and process all 311 or other graffiti related contacts, including those from other City of Austin departments, regarding instances of graffiti
 - b) Abate graffiti on all public property within 24 hours of notice using:
 - i) Third party vendors contracted by the City of Austin to abate graffiti
 - ii) Individuals assigned by courts of jurisdiction to Community Service Restitution (CSR) in lieu of sentencing, and
 - iii) Volunteers or volunteer organizations offering to perform graffiti abatement services
 - c) Provide notice to private property owners whose property has been tagged with graffiti within 24 hours of receiving report, including:
 - i) Rights and remedies
 - ii) Educational information regarding graffiti, graffiti abatement, and criminal trespass
 - d) Promptly advise Code Enforcement of notice provided to private property owners per 1) c)
 - e) Manage and oversee all third-party vendors contracted by the City of Austin to abate graffiti
 - f) Develop and manage a robust anti-graffiti website
 - g) Develop educational and outreach programs using recognized best practices for:
 - i) Individuals who vandalize via graffiti, and
 - ii) The general public
 - h) Offer voluntary anti-graffiti coating services to property owners who have commissioned art (i.e. murals) on their exterior street facing walls to help protect such installations from vandalism:
 - i) Via a competitive grant program
 - ii) Options to include:
 - (1) Sacrificial coatings - can be removed
 - (2) Semi sacrificial coatings - can be partially removed
 - (3) Permanent coatings
 - iii) Funded by allocated Hotel Occupancy Tax revenue

- iv) Initial grant funding not to exceed \$10,000 annually
 - i) Coordinate with the Austin Police Department to assist in predictive patrolling to aid in deterring vandalism
 - j) Coordinate with the Downtown Austin Community Court, Justices of the Peace, County Courts, and Prosecutors regarding assignments of individuals required to perform Community Service Restitution (CSR) in lieu of sentencing
 - k) Produce reports, at least annually, of all reports of graffiti by Council District, including:
 - i) Number of incidents of graffiti reported
 - ii) Number of abatements
 - iii) Approximate square footage of total abatement
 - iv) Hours of work for each category identified in 1) b) above
 - v) Total cost of abatement services
- 2) Establish an operating budget for the Anti-Graffiti Unit of not less than \$2,000,000 annually to fund:
 - a) FTE and resources needed to implement this program, and
 - b) Any third-party graffiti abatement service contracts
- 3) Request that courts with jurisdiction, which varies based on the degree of the crime, make every reasonable attempt to:
 - a) Require that any individual offered Community Service Restitution (CSR) in addition to, or in lieu of, other sentencing options for charges specifically related to graffiti serve the time assigned by the courts abating graffiti, with no credit awarded for service to other organizations
 - b) Adhere to sentencing guidelines under §12.43 of the Texas Penal Code addressing penalties for repeat and habitual misdemeanor offenders.
- 4) Amend §12.2.9 of the Transportation Criteria Manual to read:

A network provider shall remove all graffiti on any of its network nodes, transport facilities, poles, or other property or equipment located in the public right-of-way promptly and not later than 30 days following notice.

Date of Approval: March 15, 2023

Record of the vote: (Unanimous on a 7-0 vote)

Attest: Christine Maguire, Commission Executive Liaison, Economic Development Department


