

City of Alexandria, Virginia

MEMORANDUM

REVISED MEMO AS OF JUNE 10, 2005

DATE: JUNE 8, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: TECHNICAL AMENDMENT TO THE CITY'S GRAFFITI ORDINANCE

ISSUE: Technical amendment to the City's graffiti ordinance to conform with recent changes in the Code of Virginia made by the 2005 General Assembly.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading, and final passage on Tuesday, June 21.

DISCUSSION: Graffiti is a problem that Alexandria is actively combating. In 2004, there were 76 graffiti incidents, in most cases the graffiti was removed voluntarily by the property owners. To date, in 2005, there have been ~~12~~ 40 incidents, excluding citizen complaints in target areas.

While the current City Code gives property owners 10 days to remove the graffiti, the time for removing graffiti can extend to 25 or 30 days taking into account various enforcement checks once a notice is sent. Specific penalties are not mandated for the defacing of public and private property. The 2005 General Assembly amended the Commonwealth's graffiti statute to provide for the following:

- The penalty for the defacement of public or private property, including the graffiti, will include a mandatory minimum fine of \$500 if the defacement is : (1) more than 20 feet off the ground; (2) on a railroad or highway overpass; or (3) committed for the benefit of, at the direction of, or in association with a criminal street gang¹

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Criminal street gang is defined in the State Code as any ongoing organization, association, or group of three or more persons, whether formal or informal, which (i) has as one of its primary objectives or activities the commission of one or more criminal activities, (ii) has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

- A locality may, at its own expense, clean the graffiti or other defacement 15 days after giving the property owner or lessee notice of the defacing and requesting its removal or effective obscuring.

I recommend that Council amend the City Code to include these new provisions. Graffiti is a major concern to the City, especially when it is gang-related. Both the City Manager's Quality of Life Committee and the City's Community Anti-Gang Task Force recently discussed concerns about gang-related graffiti and the need to remove it as soon as possible. Both groups will be looking at other more stringent graffiti programs for consideration for the City's 2006 General Assembly package.

STAFF:

Rose Williams Boyd, Director of Citizen Assistance
Blaine Corle, Deputy Chief of Police