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**TO:** CITY MANAGER **DATE:** 2006 March 20  
**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 4240 01  
**SUBJECT:** GRAFFITI CONTROL MEASURES

**PURPOSE:** To provide Council with information on the advisability and feasibility of adopting a graffiti control bylaw and other initiatives to combat graffiti in the city.

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**RECOMMENDATION:**

1. **THAT** this report be forwarded to the Mayor's Task Force on Graffiti.

**REPORT****1.0 BACKGROUND**

At its meeting on 2005 August 15, Council adopted the following resolution:

*"That Burnaby City Council direct staff to prepare a report on the advisability and feasibility of the adoption of a bylaw that specifically addresses the need to place more effective controls on owners and occupants of property that is damaged by graffiti."*

Subsequently, Council, at its meeting of 2006 March 20, adopted a report from the Mayor to establish a Mayor's Task Force on Graffiti. The Task Force will include City staff, RCMP, citizens and business owners and have a mandate to examine best practices and innovative ideas on the prevention and eradication of graffiti in our community.

This report describes the graffiti problem and current City efforts to combat graffiti. It includes information on graffiti control bylaws in other municipalities and the implications of adopting a graffiti control bylaw in Burnaby. It concludes with a number of proposals to combat graffiti for the consideration of the Mayor's Task Force on Graffiti.

**2.0 GRAFFITI PROBLEM**

Graffiti is a common problem in most, if not all, communities in the Lower Mainland. The presence of graffiti can seriously affect the quality of life for local residents. Left alone, it can create an impression that a neighbourhood is uncared for and unsafe – which

in turn can discourage legitimate users of the area and invite more graffiti and other types of vandalism and crime. Graffiti can also be personally damaging if it conveys hatred or discrimination, and offensive graffiti can detract from the enjoyment of streets and other public areas by all citizens. Where graffiti obliterates messages on traffic signs and other types of public advisory vehicles, public safety can be compromised. The costs of removing graffiti can also be considerable.

City staff involved with graffiti removal, community police officers and business associations agree that graffiti is an ongoing problem in Burnaby which has seen a recent increase in activity. Common targets include street signs, garbage receptacles, lamp standards, hydro poles and kiosks, post boxes, telephone booths and switch boxes, bus shelters and bus benches, building facades, playground equipment, park structures such as picnic tables, lacrosse boxes and tennis court walls, parking structures, SkyTrain and railway infrastructure, pedestrian and traffic overpasses, and other public and private property.

It is widely believed that most graffiti perpetrators are young people. Some police officers note that graffiti incidents tend to occur in warmer weather when young people are more likely to be outside. They also note that it is generally focused in higher density areas served by public transit, which is patronized by many young people.

## 2.1 Graffiti Roundtable

In response to concerns about graffiti, the City hosted a roundtable discussion on graffiti in 2001 February. Over thirty stakeholders attended the discussion including corporate, business and private property owners, police officers, community policing volunteers, and School District and City representatives. While participants noted that a number of anti-graffiti initiatives had taken place in the community, they indicated that a comprehensive, coordinated approach was essential to overcoming such barriers as:

- inadequate communication among stakeholders;
- inconsistent approaches to graffiti prevention;
- removal and control; and
- lack of resources, particularly on the part of small private property owners.

Several possible roles were outlined for the City in a more coordinated approach, ranging from public education and facilitation of communication among stakeholders, to implementing a graffiti control bylaw and hiring a coordinator to spearhead the anti-graffiti effort.

As a result of the roundtable discussion, a number of initiatives were taken including implementation of telephone report line, distribution of a pamphlet on graffiti removal and prevention and an information article in InfoBurnaby in 2002 November. These initiatives are discussed further below.

### **3.0 CURRENT CITY EFFORTS TO COMBAT GRAFFITI**

#### **3.1 Graffiti Removal**

Experience shows that the most effective response to graffiti vandalism is its timely and consistent removal. In some cases, graffiti may be removed from a property one day, only to have it reappear the next day. Where this happens, a concerted effort is needed to remove the graffiti quickly. This effort may be required for two to three weeks until the graffiti vandal is finally discouraged.

Removal of graffiti on most City property is carried out by Engineering Department crews. The Department responds to complaints of graffiti but does not patrol for it. Reports of graffiti vandalism are received from City staff, residents and property owners through the City's graffiti hotline listed in the telephone directory, as well as through general inquiries on the City's web site.

If the graffiti is on City property, staff will remove it as soon as possible. Highest priority is given to graffiti which:

- is hateful, racist or profane,
- in high profile areas;
- renders its host object ineffective (e.g., graffiti which obliterates instructions on road signs).

Less offensive graffiti on some Parks, Recreation and Cultural Services Department property, such as non-removable parks equipment, is dealt with during scheduled maintenance periods.

If the graffiti is on street furniture or structures owned by public utilities or Crown corporations (e.g., BC Hydro, Canada Post, TransLink) or bus bench companies, City staff will phone the appropriate agency and request it to remove the graffiti. Compliance with City requests to remove graffiti varies amongst the agencies. Some agencies have systems in place to remove it on a regular basis. With other agencies, staff must make repeated calls to encourage the agency to do the removal.

Over the one year period from 2004 August to 2005 August, twenty-one complaints were received on the hotline about graffiti on City property, and approximately fifteen complaints were received regarding graffiti on property owned by the various agencies noted above. Very few calls have been received on the hotline regarding graffiti on private property. During this one year period, the average time for staff to remove the graffiti from City property was thirteen days (including weekends). This average takes into account rainy winter months, when the graffiti removal could take up to 30 days, and better weather conditions when removal may be done in one or two days.

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In addition to the incidents that are reported on the hotline, License staff estimate that they directly receive around twenty to thirty complaints a year about graffiti on private property. Upon receipt of a complaint about a private property, License staff will request the owner to remove the graffiti. Many property owners will cooperate and undertake the removal. However, in the absence of a graffiti control bylaw, some property owners do not feel compelled to respond to the License Department's requests.

### **3.2 Other Initiatives to Combat Graffiti**

The City has produced a brochure which provides advice on graffiti removal and includes telephone numbers for reporting graffiti incidents. The brochure is available from City Hall as well as Community Police Offices. In 2002, the City sent the brochure and a letter to property owners along the Expo SkyTrain line. The letter expressed concern about the amount of graffiti in the area and encouraged property owners to remove it. A similar letter was sent to the same owners in 2005. The letter campaigns have had some limited success.

There have also been a number of community initiatives to combat graffiti. Recently, the City contributed toward mural projects in the Edmonds Town Centre coordinated through the Edmonds Business and Community Association. The Community Arts Coordinator with Parks, Recreation and Cultural Services has also assisted schools and malls with murals and "paint-out" events which have provided youth with positive channels for artistic expression. In addition, graffiti removal initiatives have been organized through business associations and community police offices.

### **3.3 Effectiveness of Actions to Date**

Efforts to combat graffiti in Burnaby have had mixed results. The Engineering and Parks, Recreation and Cultural Services Departments have made it a priority to respond quickly to reports of graffiti on City property. Staff from these departments recognize the importance of removing graffiti quickly to prevent it from spreading and are frequently able to respond within 72 hours of notification. Community initiatives have also been effective. For example, mural programs have been successful in providing positive artistic outlets for youth and have served to cover blank walls which could otherwise been targeted by graffiti vandals. On the other hand, staff have had limited success in dealing with graffiti on private property and street furniture and other structures on street allowances.

In consideration of the varied success in dealing with graffiti in Burnaby, staff conducted a review of graffiti control bylaws in neighbouring municipalities to determine their effectiveness, as outlined below.

#### 4.0 GRAFFITI BYLAWS IN OTHER MUNICIPALITIES

In 2002, seven municipalities with graffiti control bylaws were surveyed about the effectiveness of their bylaws<sup>1</sup>. In general, bylaws in those municipalities required private property owners to remove graffiti from their premises upon receipt of a written notice from the municipality. If the property owner failed to remove the graffiti within a certain time period (which varied by municipality), these municipalities would undertake the clean-up and charge the cost to the property owner. Most of the surveyed municipalities reported their bylaws to be somewhat to very effective in curbing the proliferation of graffiti, although one noted the bylaw was inadequate without funding available for graffiti removal. Several municipalities indicated that they had difficulties with enforcement. At the time, it was concluded from the survey that graffiti control bylaws were not entirely effective in controlling graffiti and that considerable resources would be required to ensure rigorous enforcement and to facilitate timely graffiti removal.

In preparing this report, staff re-contacted the municipalities that were surveyed in 2002 to gather current information regarding their bylaws<sup>2</sup>. All of the municipalities reported that their bylaws have been straight forward to administer and have helped to control graffiti. Further, they reported that in the majority of cases, property owners comply with the bylaw upon receipt of a written notice from the municipality (i.e., property owners remove the graffiti themselves) and that additional action is not required. Five of the municipalities enforce their bylaws through complaints, while two (Vancouver and New Westminster) actively patrol for graffiti infractions.

Through discussions with staff from the seven municipalities, it is staff's view that a graffiti control bylaw would provide a straight forward and needed tool to ensure graffiti is removed from private property once a complaint is received<sup>3</sup>. That said, the effectiveness of the bylaw in controlling the spread of graffiti would depend on how rigorously it was enforced as well as other initiatives and resources used to combat graffiti. For example, the City of Vancouver has had considerable success in controlling graffiti. Its annual anti-graffiti program includes active enforcement of the graffiti control bylaw, weekly patrols and removal of graffiti from City of Vancouver property, public education and mural programs, and other community-based anti-graffiti initiatives. The annual cost of its program is roughly \$900,000 (excluding specific police initiatives to combat graffiti).

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<sup>1</sup> Those municipalities include City of Coquitlam, City of New Westminster, City of North Vancouver, District of North Vancouver, City of Richmond, City of Surrey and City of Vancouver.

<sup>2</sup> In four of the municipalities, graffiti control regulations are included in their unsightly premises bylaws; the remaining three municipalities have separate bylaws which pertain solely to graffiti.

<sup>3</sup> As noted in section 3.1, private property owners are currently not obliged to comply with City requests to remove graffiti.

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The City of New Westminster has also been successful in combating graffiti through less costly measures. In New Westminster, graffiti control bylaw infractions are identified by both complaint and the City's bylaw officers, who will take note of graffiti hits when they are out in the community on City business. In addition, volunteers with the City's community police office patrol for graffiti infractions once a week. Volunteers will photograph graffiti on private property and then issue a letter from the community police office encouraging the owner undertake removal. In cases where the owner does not respond, bylaw staff are contacted to pursue compliance. The City of New Westminster has not had to hire additional staff to enforce its graffiti bylaw. New Westminster staff report that their City's approach to graffiti removal on private property has been very successful in reducing the amount of graffiti in the city.

## 5.0 AN INCREASED RESPONSE TO GRAFFITI IN BURNABY

Based on research and discussions with Burnaby staff and community contacts, it is proposed that the City, through the Mayor's Task Force on Graffiti, consider a number of proposals to combat graffiti in the city. These proposals include the following:

- *Incorporation of graffiti control measures in the City's Unsightly Premises Bylaw*

The bylaw would require private property owners to remove graffiti from their premises within a specified period (e.g. fourteen days) of receiving notice from the City. If an owner failed to comply, the City would undertake the removal of the graffiti at the cost of the owner. The bylaw would also include a minimum fine for anyone caught committing graffiti vandalism. (See Appendix A for specific amendments to the Unsightly Premises Bylaw.)

As noted above, a graffiti control bylaw would provide a straight forward and needed tool to ensure graffiti is removed from private property once a complaint is received. That said, the effectiveness of the bylaw in controlling the spread of graffiti would depend on how rigorously it was enforced as well as other initiatives and resources used to combat graffiti.

- *Implementation of operating agreements with the owners of street furniture, public utilities and other property on street allowances regarding the prompt removal of graffiti<sup>4</sup>*

Agreements would state that, as a condition of continued placement on street allowances, owners of this type of property would be required to keep their property free of graffiti through the implementation of regular inspection and clean-up programs. Further, that any racist or profane graffiti would need to be removed within twenty-four hours of notification.

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<sup>4</sup> Operating agreements already exist between some owners of this type of property and the City (e.g. bus shelters and bus bench companies).

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- Removal of graffiti on City property within fourteen days of reporting
- Continued support for community initiatives that aim to prevent graffiti (e.g., mural programs and artistic events for youth) and public education initiatives.

If bylaw measures were adopted, publicity would be required to inform property owners of the requirement to clean up graffiti on their properties. The publicity could inform property owners of their options, namely that they could:

- remove the graffiti themselves
- hire a professional graffiti removal company to remove it
- make their properties less of a target over the longer term by taking preventative measures such as using darker coloured paints in problem areas, using graffiti resistant paint to facilitate removal, planting vines or thorny bushes as the base of walls and installing lighting

An increased response to graffiti could also include additional public education and awareness measures. Information on graffiti prevention, removal and control could be posted on the City's website and highlighted in an article in InfoBurnaby. The website could also include a graffiti incident report form. As with the existing graffiti telephone hotline, the report form would be available to the public twenty-four hours a day, seven days per week, though monitored only on weekdays. It is also anticipated that other initiatives to combat graffiti will be identified through the work of the Mayor's Task Force on Graffiti.

If graffiti control bylaw measures are adopted, City would also need to ensure that it responds to graffiti within the same time frame expected of private property owners. Staff are confident that the City would be able to remove graffiti on its property within the same time frame (if not faster) than that expected of private property owners.

An increased response to graffiti could also include the implementation of operating agreements with the owners of street furniture, public utilities and other property on street allowances. The agreements would state that, as a condition of continued placement on street allowances, owners of furniture or amenities (e.g., news boxes, bus shelters, utility kiosks, garbage containers) be required to keep their property free of graffiti through the implementation of regular inspection and clean-up programs. Further, that any racist or profane graffiti would need to be removed within twenty-four hours of notification.

Implementation of the above measures would likely increase the number of reported graffiti incidents, at least in the short term. However, staff estimate that the main elements of this approach (bylaw enforcement, prompt removal of graffiti on City property and operating agreements regarding graffiti on street furniture and other property on street allowances) could be accomplished within existing operating budgets.

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If these measures, or any others, are adopted by Council, they would be closely monitored and evaluated for their effectiveness and resource implications.

## 6.0 RECOMMENDATION

This report recommends a number of proposals to combat graffiti in the city, as outlined in section 5.0 for the consideration of the Mayor's Task Force on Graffiti. Proposals include the adoption of graffiti control measures in the City's Unsightly Premises Bylaw, prompt removal of graffiti on City property and tightened operating agreements between the City and the owners of street furniture, public utilities and other property on street allowances. It also highlights the need for additional public education and awareness measures as well as continued support for community initiatives that aim to prevent graffiti.

It is recommended that this report be forwarded to the newly established Mayor's Task Force on Graffiti for its consideration and subsequent recommendations to Council on this significant public issue.



J.S. Belhouse, Director  
PLANNING AND BUILDING

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Copied to: Director Engineering  
Director Finance  
Chief License Inspector  
Director Parks, Recreation and Cultural Services

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## Appendix A

### Proposed Amendments to Unsightly Premises Bylaw

Proposed amendments to the Unsightly Premises Bylaw to control graffiti would include the following:

- a) that it is an offence to place graffiti, or cause graffiti to be placed, on walls, fences, structures, buildings or elsewhere on or adjacent to a public place or street;
- b) that property owners must not allow graffiti on their property;
- c) that if an owner fails to remove graffiti within fourteen days of receiving an order to comply notice from the City, City staff, or a contractor engaged by the City, may enter the property and remove the graffiti at the expense of the property owner; and
- d) that if the cost to the City to remove graffiti from private property is not paid immediately upon removal, and remains unpaid on December 31 of any year, then the cost of removal will be added to the owner's property taxes.

