

# Graffiti Abatement Program(GAP)

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# What is graffiti?

## Texas Penal Code 28.08 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
- Notation: when more than one item of tangible property, belonging to one or more owners, is marked in violation of this section pursuant to one scheme or continuing course of conduct, the conduct may be considered one offense...the marking of the property may be **aggregated** in determining the grade of offense

# Graffiti Offense Penalty

## Texas Penal Code 28.08 Graffiti

- Class C Misdemeanor pecuniary loss <\$100
- Class B Misdemeanor pecuniary loss >\$100 and <\$750
- Class A Misdemeanor pecuniary loss >\$750 and <\$2,500
- State Jail Felony pecuniary loss >\$2,500 and <\$30,000
- 3<sup>rd</sup> degree Felony pecuniary loss >\$30,000 and <\$150,000
- 2<sup>nd</sup> degree Felony pecuniary loss >\$150,00 and <\$300,000
- 1<sup>st</sup> degree Felony pecuniary loss >\$300,000
- Exceptions: Schools, public monument, place of worship or human burial, community center that provide medical, social, or educational – State Jail >\$750 and <\$30,000

# Types of Graffiti

## Four Main Types of Graffiti

- Gang
- Ideological
- Spontaneous
- Tagger
  - Contrary to popular belief, taggers, not gangs, produce more graffiti...which can range from high-volume hits to complex street art
  - Taggers come up with a MONIKER and are driven primarily by tagging that moniker in as many places as possible...(i.e, Mondo and Chop)

# SZPD Graffiti Offenses / Response Mitigation

## August 1, 2022 – February 1, 2023

- Responded to 23 CFS for Graffiti
- 14 Offense reports
  - 1 cleared by Arrest (CHOP)
  - 4 Active
  - 9 Inactive or suspended
- Graffiti Hotspots
  - Schertz Pkwy, FM 78, FM 3009, FM 1518/I-10
- Mitigation Strategy
  - Sharing of data NS, PW, and PD
  - Leveraging Technology (Cameras and Software)

## City Ordinance

- The City of Schertz established a Graffiti ordinance effective February 26, 2008.
- The ordinance was amended and adopted on September 1, 2009, to include a state statute that requires a municipality to offer to remove the graffiti from the owner's property free of charge.

## Website and reporting

December of 2022 the City published the new Graffiti Abatement Program (GAP) webpage Neighborhood Services that includes FAQs, how to report graffiti, prevention tips, links to the graffiti ordinance and the graffiti waiver form.

The city receives reports of graffiti in several different ways:

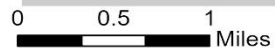
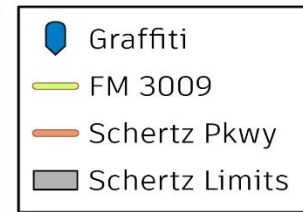
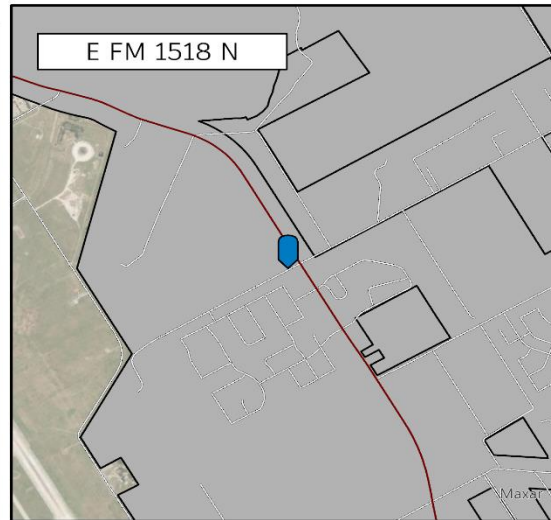
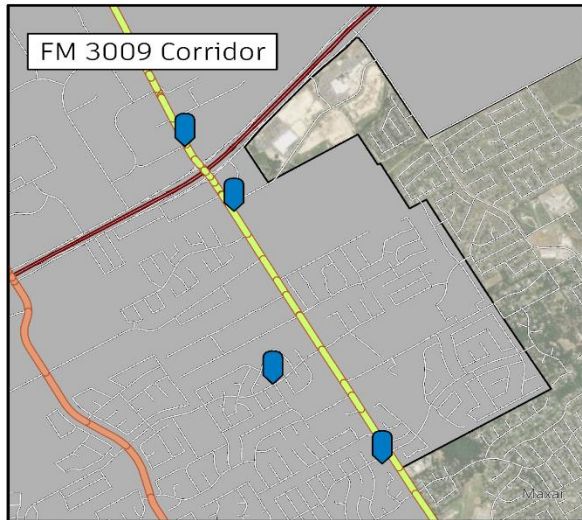
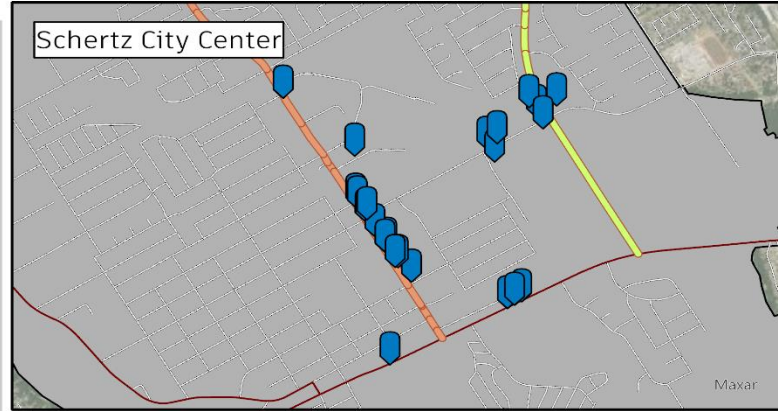
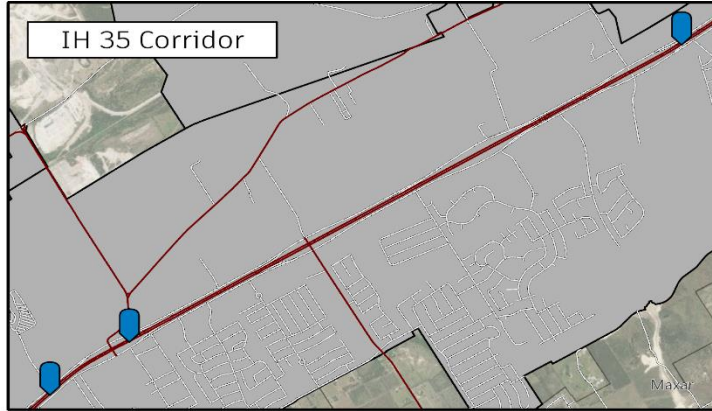
- Calls to 311
- Calls directly to Neighborhood Services phone lines during regular business hours
- Reports submitted through city web site
- Discovery by staff in the field; code officers or other departments

## Graffiti - Code Enforcement cases

City Staff has seen an uptick in graffiti since August of 2022 and have 38 active or resolved cases. 16 of those cases were identified in December 2022.

- 19 - Cases have abated by the property owner
- 6 - Cases have been abated by the City at a cost of \$968
- 4 - Cases are in process of being abated by the City
- 9 - Cases are property owner responsibility because they did not accept or respond to the free removal offer by the City.
- 1 - Case (August 2022 notice) has been offered the free removal option several times without acceptance. A citation has been issued to the property owner.

# Graffiti location map



Prepared by Alexa Venezia Dasse  
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City of Schertz

# WAIVER



CITY OF SCHERTZ NEIGHBORHOOD SERVICES  
GRAFFITI ABATEMENT PROGRAM

THIS IS A FREE SERVICE OFFERED BY THE CITY OF SCHERTZ

Graffiti Location: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

The City of Schertz offers to remove the graffiti at the above location at no charge to the property owner, pursuant to Ordinance 50-307. In most cases, the graffiti will be removed by painting over it. The paint will be supplied free of charge, and this paint may not match the color of the surface on which the graffiti is located. In many cases, a power washer may be used to remove graffiti from brick and other hard to clean surfaces. The property owner assumes all responsibility for any damage caused to grout and other surfaces as a result of the use of the power washer.

**If the owner does not accept or refuse the City's offer in writing by the date shown below, city ordinance deems the owner's failure to respond to be refusal of the City's offer and owner will be solely liable for removal of the graffiti and any code compliance violations.**

**Date Response is Due:** \_\_\_\_\_

Please select a response below:

- I, \_\_\_\_\_ (insert name), owner of above listed property, **ACCEPT** the City's offer to remove the graffiti from the property at no charge. I agree to release the City of Schertz and its officers, employees, agents, contractors, citizen volunteers, and judicial probationary workers (collectively "representatives") from all liability for any damage or injuries that the owner or property may suffer as a result of entry onto the property and/or the removal of the graffiti. I authorize the City's representatives to enter the property and remove the graffiti. This authorization shall remain valid unless and until I revoke it in writing.
  
- I, \_\_\_\_\_ (insert name), owner of above listed property, **REFUSE** the City's offer to remove the graffiti on my property. I understand that by refusing the City's offer, I must remove the graffiti at my own expense within 15 days after receiving notice from the City. Failure to remove the graffiti within the 15 days may result in me being issued a Citation for violation of Ordinance 50-308 and further, the City may remove the graffiti, charge the expense to owner, and place a lien on the property for its expenses.

Signature of Property Owner: \_\_\_\_\_

Printed Name of Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Date: \_\_\_\_\_



# Abatement Responsibility

Public property



Parks and Recreation  
Facilities  
Public Works

Private Property



Property Owner  
Business or tenant  
City of Schertz

# Case Process

- Staff proactively identifies a graffiti violation or receives a complaint.
- Staff immediately notifies the owner or tenant and offers no cost abatement. Pursuant to the City Code of Ordinances, Article IX allows the property owner a 10-day response time to accept the no cost abatement waiver. Staff recommends that the property owner files a report with the Schertz Police Department.
- Once a signed waiver is received, the City contracts the graffiti to be removed and the City abates at no cost to property owner. Case closed.
- If no response is received to the no charge offer, a second offer to abate is extended. After the expiration of the second offer case proceeds including a possible citation.

## Case flow continued

- In many cases the property owner selects to abate the graffiti at their own expense. Most property owners abate immediately but the code allows 10 days for compliance.
- If the graffiti is found on a City owned facility the appropriate department is contacted for removal.
- Abatement timeframe - Public property
  - Parks – generally same day
  - Public Works and Facilities – generally a couple of days depending on size and scale
- Abatement timeframe - Private property
  - Subject to response by property owner – ranges from a few days to months
  - City abatement – signed waiver received – up to 10 days depending upon contractor availability.

# Before and After



Abatement cost \$315

# Before and After



Abatement cost \$85

# Work in progress

- Estimated cost \$800. \*began 1/26/23 due to weather work is not completed as of 1/30/23



# Public property



# Property Owner Responsibility



21 ft bobtail trailer

blasting method  
cost= \$1080

Painting over  
cost= \$350



## Costs absorbed by the property owner or utility provider

- Proprietary color
- Branding

# OPPORTUNITIES

## COMMUNICATION AND COLLABORATION

### Neighborhood Services, Public Works, and Police

- Past
  - All responsibility was on property owner; commercial and residential
  - No budget
- Present
  - Graffiti Abatement Program established in November 2022
  - \$10,000 Budget
  - 3 contractors
  - Dedicated website to support program
  - Documenting graffiti in CityView software on all public and private property.
  - Encourage property owners to file a report with the Police Department.
- Mitigation Action Plan
  - Prosecution & Restitution
  - Centralized data collection
    - Hotspot mapping
    - Linking cases for same actor, type, and aggregate pecuniary loss

# Future Actions

•Sec. 50-311. Future actions.

(a) The city agrees that it may consider future measures aimed at remedying the graffiti problem, including the following:

- (1) Coordination of volunteer organizations which assist in graffiti removal;
- (2) Preparation of a directory of contractors who remove graffiti for a fee;
- (3) Publication of information on where and how to obtain free paint, tools, and materials for graffiti removal;
- (4) Provision of information on probationer restitution services available to community-based organizations for graffiti removal;
- (5) Provision of information about graffiti abatement programs;
- (6) Establishment of a paint bank within the city's department of public works from which community-based groups or individuals may obtain paint and materials for the purpose of removing graffiti;
- (7) Encouragement of local businesses and other potential donors to contribute resources to the paint bank; and
- (8) Establishment of a reward program for information concerning graffiti vandals.

- These programs will be considered in the future as budgetary decisions are made, but the final decision shall be made after weighing the various competing needs for public funding.
- (b) The city shall make reasonable efforts and use reasonable available resources to promptly remove graffiti from city-owned property. The city will also consider use of lighting and shrubbery to discourage placement of graffiti on its buildings and structures. Similarly, business owners and homeowners exempted from the provisions of this article will be encouraged to use reasonable measures to prevent graffiti on their properties and to remove graffiti from their properties as soon as possible.
- (c) A property owner who demonstrates to the city marshal or other city employee designated by the city manager that his or her structure has been subjected to graffiti may be provided sufficient paint material, if available, to cover the graffiti on the property. The materials will typically be from donated sources or bulk purchases, and the paint may not match the existing background surface color. The property owner shall have 15 calendar days following receipt of the materials to abate the graffiti.
- (Ord. No. 09-M-35, § I, 9-1-2009)