

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	March 8, 2018
	Agenda Item No.	49
	Roll Call No.	<u>18-0382</u>
	Communication No.	<u>18-101</u>
	Submitted by:	Scott E. Sanders, City Manager

AGENDA HEADING:

Amending Chapters 42, 70 and 102 of the Municipal Code relating to graffiti, street use events, and banners.

SYNOPSIS:

Recommend approval of amendments to Chapters 42, 70 and 102 of the Municipal Code as it relates to graffiti, street use events and banners. These changes will help to clarify the City’s ability to remove graffiti as a public nuisance and eliminate the City granting of graffiti permits, including when a street use permit is obtained.

Amendments to Chapter 102 include adding bicycle lanes under the definition of a street, the elimination of a graffiti permit and banner permit and identifying the City Manager’s Office as the department that processes street use applications. The graffiti and banner permit requirements will be placed under the street use permit requirements resulting in two (2) fewer permits that need to be obtained.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Graffiti is defined very broadly under current Section 70-276 of the Municipal Code:

Graffiti means any inscription, drawing, picture, letter, number, symbol or other written communication sprayed, painted or in some manner inscribed on street, sidewalk, building or wall surfaces not intended primarily for such use.

- The amendments in the public nuisance section of Chapter 42 include clarification that graffiti on City property will be removed without notice requirements and authorization of the Police Chief to make the determination that graffiti on private property constitutes a public nuisance requiring emergency abatement. The amendments to Chapter 70 add a statement of purpose and intent for the prohibitions on graffiti and its removal, the definition of graffiti is expanded to broadly cover markings of any kind and to clarify that graffiti on any public or private property, including bridges, fences and all structures is prohibited remains, but the requirement that a graffiti license issued by the City Clerk, including for property owners to mark their own property, would be repealed by this proposed ordinance. The prohibition on marking any public or private property without consent of the property owner remains, but the proposed ordinance will eliminate the requirement that a license from the City be obtained to display

“graffiti”. Under current Sections 70-277 and 279, property owners are required to get a graffiti permit to display graffiti, which basically includes any kind of marking, and arguably could include art, on their own property. Graffiti done on other’s property without permission will continue to be enforced against as a simple misdemeanor or as a public nuisance and will continue to be removed under the City’s graffiti removal program and, where appropriate, as a public nuisance.

- Currently when event organizers obtain a street use permit, they are required to also obtain a graffiti permit if they are making temporary markings on the street and a banner permit if they are going to have any type of banner over the road, i.e. a finish line banner on a temporary structure. These additional permits require duplicate information to be processed and an additional permit fee - \$50 for the graffiti permit. The banner permit does not have a fee associated with it; however, does require council approval. By eliminating these two (2) permits, event organizers will only need to obtain one (1) permit for a street use event and staff will no longer need to process duplicate information. The graffiti and banner approvals will be placed under the street use permit requirements.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- 2nd and 3rd readings of the amendments at future Council meetings.

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to cityclerk@dmgov.org.