

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
CITY COUNCIL AGENDA MEMORANDUM**

AGENDA ITEM NO.

37

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

SUBJECT: Increasing minimum fines for graffiti violations

DATE: March 10, 2005

SUMMARY AND RECOMMENDATIONS

This Ordinance amends the City Code Chapter 21, section 21-6 related to injuries to property and graffiti. The amendment increases the minimum mandatory fines for these kinds of violations. This amendment was brought forward for Council's consideration by a request from Councilman Segovia and Councilman Perez.

Staff recommends approval.

BACKGROUND INFORMATION

The City of San Antonio continues to battle against the property crime of graffiti. Graffiti results in decreased property values and affects business growth and tourism. City Councilmembers Segovia and Perez circulated a request for council consideration, dated January 27, 2005, which called for increasing the fines associated with the City's graffiti offenses in an effort to curb this crime. The request identified that the crime of graffiti is a crime of fear, decreasing citizens' feelings of safety in the community and attracting other crime to neighborhoods. Amending the City Code Chapter 21, Article I, Section (3) by increasing the mandatory minimum fines for first offenses and subsequent offenses in this chapter will send a clear message to violators, help deter violators and help mitigate the negative effects that graffiti has on the citizens and communities of San Antonio. The minimum fine for first-time offenders under this chapter will be increased from \$50.00 to \$200.00. For second or subsequent offenses, the violator would now face \$400.00 minimum fines instead of \$100.00.

POLICY ANALYSIS

This ordinance is consistent with City programs to fight graffiti.

FISCAL IMPACT

Approval of this ordinance will require the imposition of higher minimum fines by the Municipal Court Judges.

COORDINATION

This item has been coordinated with the City Council Offices, the Police Department and Municipal Courts.

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Andrew Martin,
City Attorney

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J. Rolando Bono,
Interim City Manager

**City of San Antonio
Office of the City Council
Interdepartmental Correspondence Sheet**

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TO: Mayor and City Council

FROM: Councilman Ron H. Segovia, District 3 and Councilman Richard Perez, District 4

COPIES TO: J. Rolando Bono, Interim City Manager; Melissa Byrne Vossmer, Assistant City Manager; Andrew Martin, City Attorney; Leticia Vacek; City Clerk; Gayle McDaniel, Assistant to City Council; File

SUBJECT: Amendment to §21-06 of San Antonio City Code

DATE: January 27, 2005

I respectfully request your concurrence with amending §21-06 of city ordinance on an upcoming City Council Agenda, authorizing:

1. The increase of the mandatory minimum fine for graffiti violators to be raised from the current fine of \$50.00 for the first offense to a mandatory minimum fine of \$200.00.
2. The increase of the mandatory minimum fine for graffiti violators to be raised from the current fine of \$100.00 for the second and subsequent offenses to a mandatory minimum fine of \$400.00.

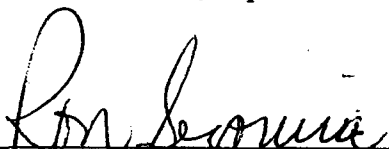
Graffiti currently saturates countless properties in San Antonio. In the last Fiscal Year, Public Works and Parks and Recreation reported 3,088 requests for graffiti abatement. In the same year, these two departments alone dedicated valuable resources to removing 1,157, 330 square feet of graffiti. This was a steady increase from every year prior. Graffiti crimes are on pace in Fiscal year 2004-2005 to equal or surpass these numbers. 3,088 requests for graffiti abatement have already been reported to Public Works and Parks and Recreation Department in the past four months, and these departments have already removed 284,236 square feet of graffiti in San Antonio. Public Works and Parks and Recreation Department assure Council that these numbers will steadily increase until the close of this Fiscal Year on September 30, 2005.

The proposed amendment will combat graffiti crime in two ways. First, the increased fine will help to deter the number of graffiti crimes in San Antonio and, in turn, will help to mitigate the negative effects that graffiti has on the citizens of San Antonio. Graffiti is a drain on the CoSA tax dollars. Funds used to abate graffiti could instead be used for schools, roads, parks and other community improvements. Also, graffiti is a crime of

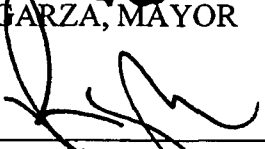
fear, and it acts to decrease a resident's feeling of safety in a community. Additionally, neighborhoods with graffiti see a decrease in property values and a loss of business growth and tourism. Finally, graffiti sends a signal that nobody cares, which attracts other forms of crime and street delinquency to the neighborhood.

Second, this amendment will help the SAPD, Public Works, Parks and Recreation Department, Environmental Services and other departments that are heavily affected by graffiti crime to be more cost effective and more efficient with the allocation of man-hours. Graffiti is currently costing taxpayers hundreds of thousands of dollars in money and time to clean up. Public works reports that its department spends approximately \$90,000 and 8,600 hours a year on graffiti clean up. The Parks and Recreation Department spends about \$200,000 on graffiti abatement. Environmental Services spends \$40,000 per year. CoSA spends \$24,000 per year on the youth mural program.

The citizens of San Antonio place a high premium on the abatement of graffiti crimes. Past efforts coordinated between CoSA and local residents have been very successful. For example, 1,100 volunteers participated in the "2004 Graffiti Wipeout" and 1,500 are expected in 2005, but CoSA must continue to find ways in which to proactively address the ongoing problem in both our actions and in our policy. For this reason, I ask for your concurrence to help create a safer community and City as a whole. With this initiative, San Antonio City Council will officially declare war on graffiti in 2005. Remember, don't live with it, wipe it out!


RON SEGOVIA, DISTRICT 3



ED D. GARZA, MAYOR


ROGER O. FLORES, DISTRICT 1

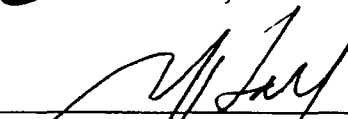

JOEL WILLIAMS, DISTRICT 2

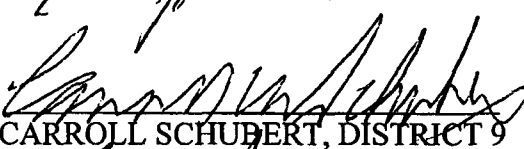

PATTI RADLE, DISTRICT 5


ENRIQUE BARRERA, DISTRICT 6


RICHARD PEREZ, DISTRICT 4


JULIAN CASTRO, DISTRICT 7


ART HALL, DISTRICT 8


CARROLL SCHUBERT, DISTRICT 9


CHIP HAASS, DISTRICT 10