



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed Finally
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On agenda: 9/11/2019 **Final action:** 9/17/2019
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Effective date: 9/19/2019

Title: Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct; Article I: Regulated Rights and Actions; Chapter 620: Graffiti by amending the existing language of Section 620.06 to replace the Bureau of Building Inspection with the Department of Permits, Licenses, and Inspections, to allow the Bureau of Police to prepare and send notices, and to clarify the process for removing publicly visible graffiti located on private property.

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 06 - CONDUCT

Code sections:

Attachments: 1. Summary 2019-1948

Date	Ver.	Action By	Action	Result
9/19/2019	1	Mayor	Signed by the Mayor	
9/17/2019	1	City Council	Passed Finally	Pass
9/11/2019	1	Standing Committee	Affirmatively Recommended	Pass
9/4/2019	1	Standing Committee	Held in Committee	Pass
8/27/2019	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct; Article I: Regulated Rights and Actions; Chapter 620: Graffiti by amending the existing language of Section 620.06 to replace the Bureau of Building Inspection with the Department of Permits, Licenses, and Inspections, to allow the Bureau of Police to prepare and send notices, and to clarify the process for removing publicly visible graffiti located on private property.

Whereas, timely removal of graffiti on private property is a priority of the City of Pittsburgh and its residents;

Whereas, the Graffiti Unit has been an integral part of enforcing and removing graffiti since its inception;

Whereas, increased partnership between the Graffiti Unit and the Department of Permits, Licenses, and Inspections will streamline and improve enforcement and removal timelines;

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh Code of Ordinances at Title VI: Conduct; Article I: Regulated Rights and Actions; Chapter 620: Graffiti is hereby amended and supplemented as follows:

CHAPTER 620: GRAFFITI

§ 620.06 - REMOVAL OF GRAFFITI ON PRIVATE PROPERTY BY PRIVATE PROPERTY OWNER OR CITY.

- (a) *Property owner.* It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following information:
- (1) The street address and legal description of the property sufficient for identification of the property;
 - (2) A statement that the property is deemed to be a graffiti nuisance property with a concise description of the conditions leading to the finding;
 - (3) A statement that the graffiti must be removed within ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance, subject to the abatement procedures set forth in this section.
 - (4) An information sheet identifying any graffiti removal assistance programs available through the City, community organizations, and/or private graffiti removal contractors.
 - (5) Such notices shall be prepared and sent by the ~~Bureau of Building Inspection.~~ **the Bureau of Police or the Department of Permits, Licenses, and Inspections.**
- (b) *Penalty for violation.* Any property owner who does not adhere to the provisions of § 620.06 shall be fined up to two hundred fifty dollars (\$250.00) plus costs. Each day the condition continues beyond ninety (90) days shall constitute a separate offense.
- (c) *Financial hardship.* The requirements of subsections (a) and (b) above shall not apply if the property owner or responsible party can demonstrate financial hardship in accordance with the Court of Common Pleas, Rules of Civil Procedure, Rule 205, Section E.
- (d) *Right of City to remove.*
- (1) *Use of public funds.* Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, and may authorize or undertake to provide for the painting or repair of a more extensive area than that where the graffiti is located, when the Director of Public Works determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.
 - (2) *Right of Entry on private property.* ~~Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the~~ **The** City shall attempt to secure the consent of the property owner or responsible party, in accordance with Section 620.06(a) above, and a release of the City from liability for property damage or personal injury . If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Chapter, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has ignored the request for consent, or refused consent, for entry on terms acceptable to the City and consistent with the terms of this section, the City ~~shall nevertheless commence abatement and cost recovery proceedings for the graffiti removal.~~ **may obtain a warrant to enter the property to paint or repair graffiti viewable from a public or quasi-public place.**

- (3) *Restitution.* Except for a finding of financial hardship, the City may seek restitution from the property owner in the form of reimbursement of the costs incurred by the City in removing the graffiti.