

A RESOLUTION

08- R-0354

BY COUNCIL MEMBER ANNE FAUVER

REQUESTING THAT A TASK FORCE BE CREATED TO REVIEW AND REPORT BACK TO THE MAYOR AND CITY COUNCIL ON THE PROLIFERATION OF GRAFFITI IN THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta and other major cities are experiencing a proliferation of graffiti in their neighborhoods; and

WHEREAS, the neighborhoods are seeking solutions from their representatives as to how to stop this unwanted art form from mysteriously appearing; and

WHEREAS, some graffiti has been associated with gang related violence; and

WHEREAS, the City of Atlanta has codified its Graffiti Abatement process which makes it unlawful for the defacing, altering, modifying, change, draw, damage or destroy by spraying or use of paint, or marking ink, dye, etc. of public or private structures; and

WHEREAS, the City of Atlanta has a Bureau of Neighborhood Conservation which has the task of enforcing these Code Sections 106-801 and 802; and

WHEREAS, the citizens of Atlanta as well as the City of Atlanta would be favorably impacted if this act was studied and a plan of action on how to effectively deal with it was put in place after careful analysis.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That a Graffiti Task Force is hereby established for a time frame of three (3) months effective upon approval of the mayor and council.

SECTION 2: That a Graffiti Task Force shall consist of the following members:

- The Mayor or her designee
- The President of Council or her designee
- Three (3) members of the public appointed by the Paired Council Districts (i.e. Districts 1-4 and Post 1 at Large, Districts 5-8 and Post 2 at Large and Districts 9-12 and Post 3 at Large)
- City Utilities Committee Chairperson or her designee
- Department of Public Works Commissioner or his designee
- Department of Planning and Community Development or his designee
- City Attorney or her designee
- A representative of the Metro Atlanta Chamber of Commerce
- A representative of the Atlanta Conventions and Visitors Bureau
- A representative of the Keep Atlanta Beautiful Board
- Atlanta Planning and Advisory Board (APAB) President or his designee(s)

SECTION 3: That all resolutions and parts of resolutions in conflict herewith be and the same are hereby waived to the extent of the conflict.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS*

ARTICLE VIII. GRAFFITI ABATEMENT

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT

Sec. 106-801. Definition.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-801. Definition.

'**Graffiti**' is defined according to O.C.G.A. 42-17-15A(2) as "any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, **graffiti** stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface.

(Ord. No. 2003-89, § 2, 9-10-03)

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT

Sec. 106-802. Prohibited acts.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-802. Prohibited acts.

- (a) It shall be unlawful for any person(s) to deface, alter, modify, change, draw, damage or destroy by spraying or use of paint, or marking of ink, dye or any other similar substance on public and/or private buildings, structures and places, an inscription, slogan, drawing or modification, or otherwise damage private or public property in contradiction of other

City Ordinances, by or through the application of "**graffiti**" as defined herein.

- (b) In order to provide a form of compensation by the state to innocent victims of unlawful acts in violation of section (a), the City of Atlanta authorizes the use of labor by inmates from the Atlanta City Detention Center to remove or obliterate such unlawfully placed **graffiti** when such **graffiti** is visible from any public road or other public property. The rules and regulations governing such use of labor by inmates shall be directed by the City of Atlanta's Department of Corrections and subject to the rules and regulations of the Board of Corrections of Georgia.
- (c) No property owner or operator shall be subject to a fine or punishment for the presence of **graffiti** on such property or for the removal of **graffiti** from such property.

(Ord. No. 2003-89, § 3, 9-10-03; Ord. No. 2005-60, §§ 1, 2, 10-10-05)

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Sec. 106-803. Reserved.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-803. Reserved.

Editor's note--Ord. No. 2005-60, § 3, adopted Oct. 10, 2005, repealed § 106-803 in its entirety. Formerly, said section pertained to **graffiti** placement penalty as enacted by Ord. No. 2003-89, § 4, adopted Sept. 10, 2003.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT

Sec. 106-804. Reserved.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-804. Reserved.

Editor's note--Ord. No. 2005-60, § 4, adopted Oct. 10, 2005, repealed § 106-804 in its entirety. Formerly, said section pertained to notice to remove **graffiti** as enacted by Ord. No. 2003-89, § 5, adopted Sept. 10, 2003.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No.

2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT

Sec. 106-805. Reserved.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-805. Reserved.

Editor's note--Ord. No. 2005-60, § 5, adopted Oct. 10, 2005, repealed § 106-805 in its entirety. Formerly, said section pertained to penalties for failure to remove **graffiti** as enacted by Ord. No. 2003-89, § 6, adopted Sept. 10, 2003.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT

Sec. 106-806. Reporting graffiti.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-806. Reporting graffiti.

The bureau of neighborhood conservation found within department of planning and community development shall be charged with the enforcement of this article.

(Ord. No. 2003-89, § 7, 9-10-03)

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Sec. 106-807. Reserved.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-807. Reserved.

Editor's note--Ord. No. 2005-60, § 6, adopted Oct. 10, 2005, repealed § 106-807 in its entirety. Formerly, said section pertained to sign permits as enacted by Ord. No. 2003-89, § 8,

adopted Sept. 10, 2003.

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Sec. 106-808. Effective date.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-808. Effective date.

This article shall become effective immediately.

(Ord. No. 2003-89, § 9, 9-10-03)

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Sec. 106-809. Conflict.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2007-46(07-O-1617), enacted Aug. 28, 2007. (Supplement No. 38) \ PART II CODE OF ORDINANCES—GENERAL ORDINANCES \ Chapter 106 OFFENSES AND MISCELLANEOUS PROVISIONS* \ ARTICLE VIII. GRAFFITI ABATEMENT \ Sec. 106-809. Conflict.

All ordinances, or parts of ordinances, in conflict herewith are repealed.

(Ord. No. 2003-89, § 10, 9-10-03)