

CITY COUNCIL STUDY SESSION

Council direction on code amendments to Bellevue City Code (BCC) Chapter 9.10 Nuisances

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DIRECTION NEEDED FROM COUNCIL**DIRECTION**

Staff seek Council direction on code amendments to Chapter 9.10 BCC Nuisances.

RECOMMENDATION

Provide direction on code amendments to Chapter 9.10 BCC Nuisances.

BACKGROUND & ANALYSIS

On November 28, 2022, the Council adopted the FY 2023-2024 Budget that included appropriations designed to advance measures to ensure that Bellevue remains safe, clean, and vibrant. As part of that process, Council expressed interest in discussing the potential of adopting additional anti-graffiti measures. This memo discusses current city enforcement and practice, anti-graffiti regulations in other jurisdictions, and an option for code amendments.

Current City Graffiti Enforcement and Practice

In 2022, the city received 135 complaints for graffiti on public and private property through the My Bellevue App and had 34 Bellevue Police Department cases referencing graffiti, with one case referred for prosecution. Currently, these complaints and cases are addressed in three ways. First, the city maintains a contract with a graffiti removal service responsible for removal from city property at the request of city departments or in response to citizen complaints. Second, the city previously adopted the state criminal code provision in RCW 9A.48.090 that makes graffiti a crime of malicious mischief in the third degree. Third, Bellevue Police request that property owners voluntarily remove graffiti when it includes hate symbols or other offensive markings. The city does not currently have anti-graffiti provisions in its civil codes.

Other Jurisdictions

There are different ways graffiti is addressed within our region. Many jurisdictions, including Tacoma, Marysville, Seattle, Kent, Burien, and Kirkland, have enacted provisions to include unauthorized graffiti on private property as a public nuisance with penalties and abatement enforced against the owners of graffiti-impacted property through civil enforcement codes. These code provisions, require that property owners remove unauthorized graffiti within specified time frames or face penalties and abatement costs. Enforcement, penalty levels, and timelines vary by jurisdiction. A number of jurisdictions

criminalized possession of graffiti paraphernalia. Finally, a few jurisdictions offer financial support or city services to remove graffiti from private property.

Potential Nuisance Code Amendments

To address graffiti on private property, code amendments to Chapter 9.10 BCC Nuisances would define and make unauthorized graffiti a public nuisance (Attachment A). Unauthorized graffiti that is on private property and in public view would be enforced through Chapter 1.18 BCC Civil Violations, and removal of the graffiti would be required. Note that property owners may authorize graffiti to remain in place.

As with other nuisance violations, enforcement of unauthorized graffiti would follow the standard civil enforcement process in Chapter 1.18 BCC. Upon receipt of a complaint of graffiti, Code Compliance would investigate and if the complaint is substantiated, Code Compliance would contact the responsible party to seek voluntary compliance within a certain timeframe.

If the responsible party fails to timely remove the graffiti, or a special circumstance exists, the City could issue a notice of violation, set a hearing at least 10 days from the date of the notice, to request the City Hearing Examiner to affirm the violation, order removal of the graffiti and impose monetary penalties of up to \$500 per day. If there is continued failure to perform the corrections, the City could obtain a Superior Court order allowing it to abate the graffiti. The abatement removal costs would be billed to the person responsible for the violation.

Code Compliance staff is prepared to offer information and connection to local non-profit services where available to assist low income or disabled residents in removal.

POLICY & FISCAL IMPACTS

Policy Impact

Amendments to Chapter 9.10 BCC Nuisances would be supported by the following Comprehensive Plan policies:

N-1. Maintain neighborhoods as safe and welcoming environments for everyone to enjoy.

UD-9. Enhance the appearance of neighborhoods with targeted city programs and right-of-way improvements.

Fiscal Impact

Code amendments may result in the need for additional staffing resources in Code Compliance, the Hearing Examiner's Office, and the City Attorney's Office to work on nuisance abatement.

OPTIONS

1. Provide direction on code amendments to Chapter 9.10 BCC Nuisances.
2. Provide alternative direction to staff.

ATTACHMENTS

- A. Strike Draft of code amendments to Chapter 9.10 BCC Nuisances.

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N/A