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191628

Emergency Ordinance

*Amend Graffiti Nuisance Property Code to allow enforcement through the Code Hearings Office as set out in Code Title 22 (amend Code Section 14B.80.040)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Graffiti on private properties has grown throughout the City, negatively impacting livability and economic development.
2. The Bureau of Planning and Sustainability (BPS) Graffiti Abatement Program received over 1,000 community graffiti reports in December 2023.
3. The Bureau of Planning and Sustainability has removed over 300,000 square feet of graffiti since October 2022.
4. On May 11, 2022, Mayor Wheeler's fourth Emergency Declaration went into effect to improve cleanup of the City. This Emergency Declaration streamlined the work and accountability for cleaning up public spaces, including abatement of trash, graffiti, illegal dumping, abandoned cars, and more.
5. City Code does not currently specify that graffiti code violations can be enforced using the Code Hearings Office as set out in Title 22 of the City Code.

NOW, THEREFORE, the Council directs:

- A. Amend City Code Section 14B.80.040 as shown in Exhibit A.

Section 2. The Council declares that an emergency exists because of the urgent need to address high levels of unabated graffiti on private properties that are negatively impacting surrounding property owners and neighbors; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Changes

[Ordinance 191628](#)

February 14, 2024

[View all changes](#)

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date


February 14, 2024

Time Requested

15 minutes

Changes City Code

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2024/exhibita_graffiticodechange_1.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/exhibita_graffiticodechange_1.pdf) 80.93 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 14, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

Graffiti on private property is a growing problem throughout the City. Many property owners, particularly those that own vacant buildings, are not meeting the City Code requirement to remove graffiti from their properties within 10 days, even after multiple warning letters from the City. The only enforcement procedure within the current graffiti code requires the City to get an administrative warrant, hire and pay a contractor to paint over the graffiti, and then place a lien on the property to recoup these costs, with an additional administrative fee. This process involves a substantial financial investment from the City without knowing when or whether the funds will be repaid.

Additionally, without a commitment from the property owner to conduct ongoing cleanup, the property may quickly become covered again in graffiti, necessitating further expenditure of City funds. This would remove funds from the Graffiti Abatement Program that would otherwise assist small businesses, non-profit agencies, and private property owners who qualify for the Program and are requesting assistance. This code amendment will allow the Graffiti Abatement Program to utilize an enforcement procedure, currently used by other programs to enforce City Code in a wide variety of areas, that allows BPS to seek enforcement through the Code Hearings Office to gain compliance and assess civil penalties, with minimal expenditure of City funds. This will ultimately result in less graffiti on Private Properties.

Financial and Budgetary Impacts

This code change does not amend the budget, change staffing levels, reclassify staff, or authorize new spending or other financial obligations (IGAs, contracts, etc.), and, therefore, there are no significant long term financial or budgetary impacts to the City.

However, there will be some impacts on City revenue and staff work. Enforcing graffiti code violations via the Code Hearings Office will require staff time to send enforcement letters, prepare for hearings, attend hearings, and conduct follow up activities. These costs will be substantially lower than if the City hired contractors to remove the graffiti from properties in violation of the graffiti code through the administrative warrant process.

The City may receive revenue from any civil penalties which are assessed on property owners and collected.

Community Impacts and Community Involvement

The community will benefit through reduced levels of graffiti on private properties, resulting in enhanced livability and improved economic development. The BPS Graffiti Abatement Program works closely with community organizations, businesses groups, neighborhood associations, individual businesses, and community members to address graffiti complaints. The overwhelming feedback from these groups is a desire to do more to ensure that private property owners remove graffiti from their properties on a timely basis and to enforce City Code in situations with negligent private property owners.

100% Renewable Goal

n/a

Agenda Items

150 Regular Agenda in [February 14, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/14)
(<https://www.portland.gov/council/agenda/2024/2/14>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea