



## Legislation Text

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### Int. No. 470

By Council Members Monserrate, Baez, Clarke, Foster, Gentile, Gerson, Koppell, Lopez, Nelson, Sears, Stewart, Vallone, Vann, Yassky, Jackson, Avella and Reyna

A Local Law to amend the administrative code of the city of New York, in relation to allowing the city to clean graffiti without consent of the owner of the property.

*Be it enacted by the Council as follows:*

#### Section One. Legislative Findings and Intent.

The City Council finds that graffiti is a public nuisance, one that degrades the quality of life in neighborhoods and communities across the city. Graffiti creates an atmosphere of neglect, inviting criminal activity and contributing to a feeling of disorderliness and fear.

In light of these considerations, it is important that graffiti in public view be cleaned as quickly as possible, while respecting property rights and First Amendment free speech rights.

The goal of this legislation is to accommodate both of these important interests and to craft a solution to the City's graffiti problem that both adequately addresses the need to rid our communities of graffiti as well as protect our important freedoms. By granting the City the ability to clean graffiti from places in public view, after an adequate notification process to property owners, this legislation will improve the quality of life for our residents while protecting our cherished liberties.

§ 2. Section 10-117 of the administrative code of the city of New York is amended to add a new subdivision i to read as follows:

i.1. For purposes of this subdivision, the following terms shall have the following meaning:

- (a) "Graffiti" means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public from a public place that is drawn, painted, chiseled, scratched, or etched on a building, premises, structure, or fencing, provided, however, that this definition shall not include advertising or any other letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner of the property, a

tenant of the property, by an authorized agent of such owner or tenant, or unless otherwise approved by the owner or tenant.

(b) “Advertising” means any letter, word, name, number, symbol, slogan, message, drawing, picture, writing, or other mark of any kind lawfully placed on property by an owner or tenant of the property, or an agent of such owner or tenant, for the purpose of promoting products or services or conveying information to the public.

(c) “Public place” means any building, premises, structure, or fencing, or any portion thereof, to which the public or a substantial group of persons has access.

2. The city may cause graffiti visible to the public from a public place to be removed from any building, premises, structure or fencing in accordance with the following procedures:

(a) Within five calendar days of a report of graffiti or graffiti-like defacement to the department of police, consumer affairs, sanitation, environmental protection or transportation, the appropriate city agency shall request that the property owner, lessee, tenant, occupant or other person in charge of any building, premises, structure, or fencing containing such graffiti or graffiti-like defacement, consent to the removal of such graffiti or graffiti-like defacement. Such consent shall be written and signed by the property owner, lessee, tenant, occupant or other person in charge of any building, premises, structure or fencing. The city shall remove such graffiti or graffiti-like defacement within five calendar days of obtaining such consent.

(b) If the property owner, lessee, tenant, occupant or other person in charge of any building, premises, structure, or fencing does not give written consent authorizing removal of the graffiti within ten calendar days of request for such consent, then officers and employees of the departments of police, consumer affairs, sanitation, environmental protection or transportation are authorized to issue a written notice that graffiti or graffiti-like defacement appears at a specific site and that the appropriate city agency intends to remove such graffiti or graffiti-like defacement within ten calendar days. Such notice shall be given by delivering such notice to the owner or to an agent of the owner or to a person of suitable age and discretion at the residence or place of business of the owner. If upon reasonable application such delivery cannot be completed within five calendar days, the appropriate city agency may affix such notice in a conspicuous place at the owner’s place of business or residence or place this notice under the entrance door at either of such locations or deliver such notice to a person employed by the owner of the property on which the graffiti is located. The owner, lessee, tenant, occupant or other person in charge shall have ten calendar days from the issuance of such warning to remove the graffiti or graffiti-like defacement. If any graffiti or graffiti-like defacements are not removed from any building, premises, structure or fencing within the time as prescribed herein, then the department of sanitation,

community assistance unit, or any other agency designated by the mayor, may remove such graffiti and graffiti-like defacement without securing the consent of the owner, lessee, tenant, occupant or other person in charge of such building, premises, structure or fencing.

§ 3. This local law shall become effective immediately.

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