

1 **RESOLUTION ADOPTING AS A CITY REGULATION THAT CERTAIN DOCUMENT**
2 **ENTITLED "GRAFFITI ABATEMENT ACTIVITIES—RAPID RESPONSE SECTION, STREETS**
3 **& SANITATION DIVISION, OPERATIONS AND MAINTENANCE DEPARTMENT"**

4 WHEREAS, Senate Bill (SB) 56 of the 2015 Session of the Nevada Legislature, approved as
5 Chapter 372, 2015 Statutes of Nevada, revises statutory provisions regarding graffiti; and

6 WHEREAS, SB 56 authorizes cities and counties to establish certain procedures regarding graffiti
7 abatement, but in so doing also authorizes them to establish and maintain their own local ordinances or
8 regulations concerning graffiti that operate independently of those provided for in SB 56; and

9 WHEREAS, the City of Las Vegas has a preexisting graffiti abatement program operated by the
10 Rapid Response Section of the Streets & Sanitation Division of the Operations and Maintenance
11 Department; and

12 WHEREAS, the City Council desires, by means of this Resolution, to formally adopt that program
13 as a City regulation.

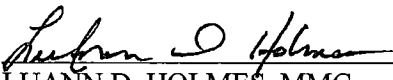
14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas to adopt as
15 a regulation that certain document entitled "Graffiti Abatement Activities—Rapid Response Section,
16 Streets & Sanitation Division, Operations and Maintenance Department"—which document is attached to
17 this Resolution.

18 PASSED, ADOPTED AND APPROVED this 2nd day of March, 2016.


19 CITY OF LAS VEGAS

20 BY 
21 CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 
24 LUANN D. HOLMES, MMC
25 City Clerk

26 APPROVED AS TO FORM

 2-9-16
Val Steed, Date
Deputy City Attorney

Graffiti Abatement Activities – Rapid Response Section, Streets & Sanitation Division, Operations and Maintenance Department

- Public property graffiti abatement activities are primarily addressed by the Rapid Response Section (“RR”) in the Streets & Sanitation Division of the Operations and Maintenance Department.
- The workers respond to citizen complaints, plus they proactively patrol known areas of high graffiti activity and/or high traffic corridors and abate graffiti as it is observed.
- Due to safety and operational concerns expressed by NV Energy (NVE) in 2014, RR no longer covers graffiti on NVE components. Those are submitted to NVE for their action, and they address the concerns in a timely manner.
- RR’s graffiti abatement activities occur in public street areas, drainage channels, drainage basins, trails, facilities, and parks.
- While cleaning street areas, RR also routinely addresses adjacent perimeter block walls or other such components, with the contingencies that it is visible and reachable from the public street area.
- RR recognizes that block walls are almost always a private property component, but RR undertakes this activity with the recognition that these abatement activities are providing for the public good, and thus not in violation of the Public Purpose Doctrine.
- RR undertakes block wall graffiti abatement without assessing costs to the applicable property owner. In addition to the contribution to the public good, RR is providing a beneficial service for the respective property owner.
- If RR is notified by a property owner, such as a proactive owners association, that the owner does not want RR to abate graffiti on their property, RR respects and complies with that request.
- If RR gets a complaint from a property owner regarding RR’s abatement activities at a location (e.g., there is an objection to the lack of exact color match), RR attempts to resolve the concerns to the satisfaction of the property owner, but with the understanding that all future abatement activities will be the responsibility of the property owner, and failure to proactively do so may be subject to Code Enforcement actions.
- As a general rule, RR does not abate graffiti outside of Las Vegas jurisdictional boundaries.
- As a general rule, RR does not go onto private property to abate graffiti.
- If RR sees graffiti on a private property structure which is visible to the public and readily accessible, plus occupants are immediately available (e.g., a commercial establishment), RR asks if the owner/occupant would like RR to cover the graffiti while there, and does so if requested.
- If Code Enforcement (CE) actions are taken against a property owner, and CE staff notifies RR that they have obtained permission for RR to abate a private property structure, RR may do so as a limited courtesy action.
- RR does not breach security fencing on private properties, nor does staff undertake abatement activities in dangerous situations (e.g., climb onto roofs to address graffiti on upper stories).
- Properties with continuous graffiti problems are turned over to Code Enforcement for action as a chronic nuisance.

- If graffiti content is such that immediate action is appropriate, RR graffiti abatement may be undertaken immediately and possibly outside of the normal guidelines.
- Within the guidelines listed above, RR does not attempt to recover costs from property owners as the cost of that process is generally in excess of the respective cost recovery.
- During community beautification and/or cleanup projects, RR may provide project support including painting of perimeter block walls through the provision of labor, materials or both. For liability concerns, RR does not loan out vehicles or equipment for third party use in such activities.
- In the event a community beautification and/or cleanup project includes perimeter block wall painting, prior to undertaking such activities RR coordinates with the respective property owners. In order to ensure proper documentation of such notification, RR will on all future activities submit such documentation through certified postal service, or other trackable format. The notification will include a description of project activities, a notification that the wall is a private property improvement and the city assumes no future liability or responsibility outside of the planned activity, a projected time frame for the activities to occur, and an option for the property owner to decline this improvement activity if they choose to do so.