

## **A Graffiti Management Plan for Toronto**

<b>Date:</b>	June 17, 2011
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards Acting General Manager, Transportation Services
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	p:\2011\ClusterB\tra\pr\ls11002

### **SUMMARY**

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This report outlines a proactive Graffiti Management Plan ("the Plan") that balances the need to eliminate graffiti vandalism that has a detrimental impact on property owners, neighbourhoods and City image, while supporting graffiti art and other street art that adds vibrancy and artistic delight to our streets. This Plan requires the commitment of a range of City divisions, property owners, small and large businesses, agencies, boards and commissions with land holdings in the City, the Toronto Police Service, and the volunteer and philanthropic communities. The success of the Plan depends on commitment from youth and the 'graffiti arts community' to abstain from tagging and other illegal graffiti-making, safe in the knowledge that there will be programs and locations established to create legal graffiti art, where their artistry can be developed and respected.

The Plan responds to a range of civic priorities, including clean-up and improvement of the City and provision of support to the business and creative communities, as well as at-risk youth.

The Plan contains four action areas set out below. Research and experience strongly suggests that implementing one part, such as enforcement without the other parts that provide coordination, engagement and support will lead to inevitable failure in solving the graffiti vandalism situation.

### **Rigorous Enforcement against Tagging and Other Illegal Graffiti**

- Continuous Municipal Licensing and Standards enforcement against illegal graffiti with a revised bylaw to reflect the Plan and a new approach to permitted graffiti art and other street art.
- Rigorous standards on the removal of graffiti from all City property. Stringent expectations for graffiti removal for agencies, boards, commissions and corporations (ABCCs).
- A new partnership with the Toronto Police Service focused on enforcement, intelligence gathering/management, community partnerships, education and restorative justice and diversion.

### **Better Reporting Mechanisms and Support for Victims of Tagging and Other Illegal Graffiti**

- Enhanced ability for the public to report tags and other illegal graffiti through 311 Toronto.
- Broadly accessible advice and support to the public on the prevention and removal of illegal graffiti from their property.
- A program to encourage Business Improvement Areas (BIAs) and other businesses to fund and commit to long-term private graffiti removal contracts.
- A new ward-based graffiti strategy developed with the Toronto Police Service and the Crime Prevention Association of Toronto (CPAT) to provide assistance to residential property owners to remove illegal graffiti from their property.

### **Support and Recognition for Permitted Graffiti Art and Other Street Art**

- Recognition of graffiti art and other street art on buildings and structures created with the owner's permission and which meets community character and standards, as applicable.
- A web-based, city-wide database or inventory of permitted graffiti art and other street art.
- A new process which will delegate the review of art mural exemptions from Community Council to a panel of City staff.
- An enhanced Graffiti Transformation program – a public-private partnership to provide increased opportunities for the general public, youth and graffiti artists to develop their artistic abilities and to manage and showcase Toronto's graffiti art and other street art.
- A system to manage the creation of permitted graffiti art and other street art on public structures and to celebrate its prominence.

### **Creation of a Coordinating Graffiti Function**

- To act as the central coordinating body for all graffiti-related matters across the City.
- To be responsible for communications, benchmarking, achieving efficiencies and reporting on the status and success of all parts of the Plan.
- To ensure a consistent, accessible and consolidated approach across City divisions and with ABCCs, business and the general public.

This report also discusses the status of the "Postering Bylaw" (Chapter 693, Signs, Article IV, Posters on Public Property) which came into effect on August 27, 2010.

The City Solicitor was consulted in the preparation of this report.

## **RECOMMENDATIONS**

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The Executive Director, Municipal Licensing and Standards and the Acting General Manager, Transportation Services recommend that:

1. City Council adopt the proposed Graffiti Management Plan 2011 set out in Attachment 1 of this report.
2. City Council amend the necessary bylaws to give effect to the Graffiti Management Plan and related systems effective January 1, 2012, including amending City of Toronto Municipal Code, Chapter 485, Graffiti and Chapter 27, Council Procedures to change the delegation of art mural exemptions from Community Councils to a staff panel, and authorize the City Solicitor to submit the necessary bills to Council.
3. City Council amend the Toronto Municipal Code, Chapter 485 to reflect the enforcement scheme under the City of Toronto Act 2006 respecting right of entry, on a date to be determined, for operational purposes, by the Executive Director, Municipal Licensing and Standards in consultation with the City Solicitor.
4. City Council direct the Executive Director, Municipal Licensing and Standards in consultation with the City Solicitor, to report on any necessary amendments to Article V, Right of Entry, of Municipal Code Chapter 363, Building Construction and Demolition when the City is doing remedial work that requires entry on abutting land.
5. City Council request the Police Services Board to request the Chief of Police to prioritize the delivery of the new anti-graffiti education program throughout Toronto's schools and to direct the Toronto Police Service Community Mobilization Unit's Graffiti Liaison Officers and any other relevant units, to work with staff and each councillor to develop a ward-based graffiti management

- strategy to identify a range of available resources to assist residents and business to combat and remove tags and other illegal graffiti.
6. City Council direct the General Manager, Transportation Services to establish an enhanced Community and Graffiti Transformation Program, leveraging funds in the existing Graffiti Transformation Program and engage the private sector in an arts-based program to create and manage graffiti art and other street art across the city.
  7. City Council direct the General Manager, Transportation Services to establish a new centralized graffiti function to be responsible for coordinating, benchmarking and reporting on all graffiti-related activities, including opportunities for city-wide improvements and efficiencies and to work with ABCCs and other stakeholders on programs to reduce graffiti vandalism.
  8. City Council direct the City Manager to work with any government, corporation, agency or otherwise, including ABCCs within the City of Toronto to ensure compliance with, and support for, the City's Graffiti Management Plan.
  9. City Council direct the General Manager, Transportation Services and the Executive Director, Municipal Licensing and Standards, to report out in the 2013 budget cycle on the financial impact of the first year of implementation of the Graffiti Management Plan with a view to identifying any operational savings that may derive from the proactive engagement and preventative measures set out in this Plan.
  10. City Council direct the General Manager, Transportation Services to report on the necessary funding for the Graffiti Management Plan as part of the 2012 budget process.

Public notice has been given in a manner prescribed in the Toronto Municipal Code, Chapter 162, Notice, Public.

### **Financial Impact**

The Graffiti Management Plan is being advanced in the context and with full recognition of the City's considerable financial challenges. To this end, the Plan is built on the repurposing and redirection of existing resources and the leveraging of private sector funding. As a result, no new tax spending or other resource allocation is proposed at this time.

<b>2011 Funds Dedicated to Graffiti Program</b>	
Current Expenditures	<ul style="list-style-type: none"> <li>• \$1 million (estimated) for removal of tags and illegal graffiti from City property by all City divisions.</li> <li>• \$884,060 for MLS Bylaw Officers to enforce against illegal graffiti.</li> <li>• \$353,940 for Community Partnership and Investment Program's (CPIP) Graffiti Transformation Program.</li> </ul>
Total	\$2,238,000
Required 2012 Budget	\$2,238,000

At the present time, the City spends over \$2 million a year on graffiti-related removal and other programs, including approximately \$1 million to remove graffiti from City-owned property. Municipal Licensing and Standards currently has 10 Municipal Standard Officers assigned to the Graffiti Team, representing a budget allocation of \$884,060 in staffing costs.

In addition, CPIP's Graffiti Transformation Program allocates \$353,940 to a grant program to remove illegal graffiti and work with at-risk youth through the creation of street art.

As a part of the 2012 Operating Budget process, a transfer of this grant allocation to the Public Realm Section, Transportation Services will be considered, in order to integrate this program with all of the City's graffiti management activities.

All other involved City divisions and agencies will continue to operate within existing resources.

The research conducted in the preparation of the Plan suggests that, with greater coordination, the implementation of some new and meaningful types of partnerships and additional private sector funding, there may be an opportunity for operational savings.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

At its meeting of January 21, 2011, the Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards (MLS), in conjunction with the General Manager, Transportation Services and other relevant staff, to prepare a comprehensive graffiti strategy for the City of Toronto. The Executive Director, Municipal Licensing and Standards was also directed to send a letter outlining the City's intent to prepare this strategy to a range of agencies, boards and commissions and major landowners in the City, to seek their support and participation. (Item LS1.6)

At the May 3, 2011 meeting of the Licensing and Standards Committee, the Executive Director, Municipal Licensing and Standards was asked to report, in conjunction with Economic Development and Culture staff, on ways that Business Improvement Areas (BIAs) can be more proactively involved in graffiti removal and eradication, including but not limited to, amendments to the City of Toronto Municipal Code, Chapter 485, § 485-5, and that staff explore a graffiti removal partnership with the Toronto Association of Business Improvements Areas (TABIA), as well as requiring BIAs to have a mandatory graffiti removal project year round. (Item LS3.4)

## **ISSUE BACKGROUND**

In his inaugural Council address, Mayor Ford targeted the need to clean up Toronto's streets and neighbourhoods and reduce the amount of graffiti across the City. The presence of graffiti vandalism suggests disorder and lawlessness. It generates the perception of increased crime and fear of gang activity and diminishes buildings and streets. Graffiti has generated the need to spend significant tax and private dollars for enforcement and clean-up.

Based on Mayor Ford's subsequent direction to launch an aggressive, coordinated effort to eradicate graffiti and illegal posters across the city and through the motion at the January 21, 2011 Licensing and Standards Committee meeting, the City Manager advised all relevant divisions that, while a comprehensive graffiti strategy was being developed, he expected the City to lead by example, to make graffiti removal a priority, and to remove graffiti expeditiously, i.e. within seven days of notification or discovery, with exceptions for weather, difficult locations and special equipment requirements.

At the same time, MLS mobilized staff to begin proactive enforcement of both the "Graffiti Bylaw" (Municipal Code, Chapter 485, Graffiti) and the Postering Bylaw (Municipal Code, Chapter 639, Signs, Article IV, Posters on Public Property). The Mayor's Office wrote to the respective agencies, boards and commissions and major corporations in the City requesting their support and participation in this effort.

## **COMMENTS**

### **Previous City Actions to Address Graffiti**

Over the years, the City has developed a special bylaw, various policies and operational approaches to control and eradicate graffiti, including the Graffiti Bylaw, the Graffiti Transformation Program, the Graffiti Abatement Program, the BIA Mural Program, an inter-agency graffiti eradication team and establishment of standards for removal of graffiti from City property.

The need for a new approach was anticipated in the establishment of the City's Coordinated Street Furniture program when Council, at its meeting of May 23, 24 and 25, 2007, requested that consideration be given to allocating a portion of revenues for graffiti eradication programs.

As part of the Corporate-Wide Security Plan, Council, at its meeting of April 29 and 30, 2009, set out the responsibility of each division, board, agency and commission to develop their graffiti-removal capacity and to take responsibility for removing it from their property.

### **Recent City Actions**

In February 2011, MLS Investigation Services formed a Graffiti Enforcement Team, made up of 10 Municipal Standards Officers, focused on proactively implementing the provisions of the Graffiti Bylaw on a city-wide basis. Prior to this, enforcement had been predominantly reactive, responding to complaints with some proactivity where required.

MLS actions since February have resulted in the issuance of 4,365 Notices of Violation, with 10,655 inspections conducted. Of the Notices of Violations issued, 3,165 properties achieved compliance (removed unwanted graffiti) without need for further enforcement. This equates to an estimated 72.5 percent compliance rate through cooperation with property owners and occupants.

Unfortunately many of the compliant businesses were re-vandalized within a very short period of time. Removal of graffiti from above the first floor and on fragile heritage building surfaces makes removal more complex, difficult and costly.

The City's annual three-week long Spring Clean, a coordinated program with staff from six divisions conducting a major clean-up of all parts of the city, focused attention on graffiti removal in support of the Mayor's initiative. During the clean-up, which started on March 28, 2011, the City removed over 4,800 square metres of graffiti from buildings, overpasses, bridges and public parks. As well, MLS identified over 6,000 square metres of graffiti on private property during the same period.

Since March 1, 2011, the City has removed over 13,000 square metres of graffiti, including the amount removed during the Spring Clean-up. Although precise figures are not available, since graffiti removal is often embedded with other activities, it is estimated that City divisions including Parks, Forestry and Recreation, Transportation Services, Facilities Management, Toronto Water and Economic Development and Culture are incurring cumulative costs in the order of \$1 million a year to clean up the blight of illegal graffiti. As well, the Toronto Transit Commission, Toronto Housing Corporation and Toronto Parking Authority spend significant funds and energy on graffiti removal.

## **NEW GRAFFITI MANAGEMENT PLAN**

The new Graffiti Management Plan is comprised of four action areas – rigorous enforcement against tagging and other illegal graffiti; better reporting mechanisms and support for victims of illegal graffiti; support and recognition for permitted graffiti art and other forms of street art; and the creation of a coordinated City graffiti function. See Attachment 2 for a synopsis of consultations and a review of other municipalities that informed the direction of the Plan.

### **1. Rigorous Enforcement against Tagging and Other Illegal Graffiti**

Rigorous enforcement against tags and graffiti must be the basis of graffiti management in Toronto. MLS will continue to enforce the Graffiti Bylaw and all City divisions are directed to expedite the removal of tagging and other illegal graffiti – immediately in the case of hate messaging and within seven days in other cases. MLS responds to complaints within five days and at this time is averaging under 24 hours.

Graffiti vandalism on private or public property without the consent of the owner is the criminal offence of 'mischief.' The core mandate of police officers in this regard is to investigate and arrest anyone who is believed to have committed a criminal offence. Anything to do with "hate or gang-related" graffiti is investigated to the fullest extent, and there is no consideration for 'diversion' upon arrest. The public who see properties being vandalized should report this immediately to 911.

The Toronto Police Service (TPS) is significantly enhancing its approach to graffiti vandalism with a new Graffiti Management Program to integrate and reflect the principles of the new Ontario mobilization and engagement model of community policing. The TPS Plan has five key elements which include enforcement (mentioned above), intelligence gathering/management, community partnerships, education restorative justice and diversion, and engaging the auxiliary program. The details of this comprehensive new program are set out in Attachment 3.

Over the course of developing the City's Plan, it became evident that there were significant opportunities for enhanced and focused working relationships between staff, TPS and local councillors, as a way to maximize access to numerous, but often unknown or untapped resources in every community. For example, there are now designated Graffiti Liaison Officers assigned to each police division, and during the summer months there are flying squads of Youth in Policing Initiatives (YIPs) who could be available to assist homeowners in the removal of tags and other illegal graffiti. For this reason, the Plan recommends the development of a ward-based graffiti strategy to be formulated between the local councillor, the Graffiti Liaison Officers and staff to identify a complete range of resources in each ward. One of the first actions of the coordinated graffiti staff will be to establish a prototype format and content for a ward-based strategy.

**Proposed Graffiti Bylaw Amendments** – The Graffiti Bylaw makes all property owners responsible for the removal of graffiti on their property. This bylaw is somewhat unusual since it has the effect of being enforced against the property owner whose property has been vandalized. Rarely are the perpetrators caught in the act of vandalism and, to date, there has been little or no expectation that, if caught, they would be held responsible for the damage. Removing graffiti from business or residential property places a great financial burden on property owners who also face the possibility of being re-vandalized and repeated costs.

At this time, exempting graffiti art occurs through the "art mural exemption" process, a determination by Community Council based on a review of the facts that, in good faith, it is: "A mural for a designated surface and location that has been deliberately implemented for the purpose of beautifying the specific location," as defined in the Graffiti Bylaw. This review may include some consideration of artistic merit. This exemption was included to meet freedom of expression concerns under the Charter of Right and Freedoms, and the process is similar to the natural gardens exemption in the "Long Grass and Weeds Bylaw" (Municipal Code, Chapter 489, Grass and Weeds).

However, the review process for an art mural exemption has been problematic on a variety of fronts. It was not clear if murals in the graffiti style are considered acceptable, what quality of graffiti art was deemed appropriate for City streets and laneways, and whether, in fact, Community Council should be involved in this determination. Further, under the investigation on complaints system, this process has resulted in some graffiti art being classified as graffiti vandalism unless proven otherwise. The process does not have a system for prior acknowledgement of legitimate graffiti art, or other street art properly secured by the property owner. These problems led Toronto and East York Community Council, at its meeting of November 18, 2008, to defer consideration for a specific art mural exemption until Council approved a city-wide policy on art murals/graffiti. The Toronto Youth Cabinet was asked to provide input to this process.

After the Plan systems are in place, the Graffiti Bylaw will be amended as necessary, for example, to provide for revised terminology to reflect the permitted graffiti art and areas where graffiti art will be permitted and under what conditions.

Permitted graffiti art and areas will be set out on a City database that will assist both enforcement staff and the public. The Graffiti Bylaw will also be amended to reflect that the art mural/graffiti art exemption will now be determined by a panel of City staff. The panel will be appointed by the Deputy City Managers of Clusters A and B to include three individuals with experience in the arts, arts administration, landscape architecture, city planning, architecture or urban design. Staff will first seek the property owner's decision on whether the art mural/graffiti art has been created with permission. From that point, a decision based on a set of new guidelines, as well as the character and standards of the area will be assessed. The panel's decision will be final. The panel will also deal with area exemptions for "graffiti alleys" which will be authorized in concert with local property owners and BIAs. While some cases will be straightforward, others will be more complex and require significant discussion and review.

The Executive Director, Municipal Licensing and Standards confirms that Municipal Standards Officers will be directed to bring complaints on any art-like piece forward for review by the graffiti art panel.

The web-accessible inventory of all permitted graffiti art and other types of street art, with location, creators, and other pertinent information will present opportunities for showcasing local talent.

In addition, a simple and clear process for creating street art and other types of graffiti art on public infrastructure is being developed, intended to ensure that the municipality's requirements are met, and to maintain a high quality outcome that enhances city streets and is acceptable to local neighbourhoods.

The Graffiti Bylaw will be further amended to clarify its application to tagging and other illegal graffiti on vehicles and miscellaneous things or objects on private or public property.

In those cases where illegal graffiti is found on buildings at the second floor level and above, the removal presents a challenge related to safe and easy access for City staff and contractors.

It is anticipated that in some cases it will be necessary for staff and contractors to gain access to privately owned lands to clean graffiti on the walls of an adjoining building. Staff will work with the City Solicitor to determine the appropriate amendments to existing by-laws that would be necessary to facilitate this process.

## 2. Better Reporting Mechanisms and Support for Victims of Graffiti

During the development of the Plan, the need to support property owners obliged to contend with and fund the clean-up illegal graffiti was emphasized. The Plan includes an expanded 311 Toronto reporting function, a BIA incentive program and a program for residential property owners.

**311** Toronto receives complaints for tags and other illegal graffiti on City or private property, roads, sidewalks, bridges and litter bins that are maintained by the City. In support of the recent graffiti initiative and to provide increased customer service, 311 Toronto launched an on-line process to receive graffiti complaints on March 30, 2011. With the new on-line program, citizens can report graffiti online at [www.toronto.ca/311](http://www.toronto.ca/311). The on-line service is in addition to the existing channels that are available by phone, e-mail, fax and mail.

Since the on-line graffiti complaint service was launched, 311 Toronto has received 178 graffiti service requests online. The total number of graffiti investigation service requests received through all 311 Toronto channels to date in 2011 is 943 (January to May) compared to the total number for 2010 which was 1,039 (January to December).

In addition to providing a new channel for graffiti reporting, the public is also able to provide photo links, which have been posted on any photo-sharing website (e.g. Flickr, Picasa, Photobucket, TwitPic). This feature enables the public to provide a pictorial view of the graffiti to help City staff in facilitating the clean up.

311 Toronto is working to introduce a new feature to allow citizens to report graffiti using a mobile device (smart phone). Over the course of the summer, staff will work to develop the functionality to allow developers to connect with the City's customer service software using an Open 311 API (Application Programming Interface), similar to what has already been done in some large American cities such as San Francisco and Boston. This work is targeted for completion in early fall 2011.

In the interim, 311 Toronto is seeking to work with existing, third party application developers on a pilot project basis. This will allow the City to test the handling of these incoming service requests by the 311 customer service system, as well as the workforce management systems used by the various divisions that carry out the service request work. 311 Toronto expects to formalize connections with existing applications for testing purposes by the end of June, allowing citizens to initiate selected graffiti service requests using a mobile application as early as July 1, 2011.

**Business Improvement Area (BIA) and other City Business Program** – The 71 BIAs across the City represent over 27,000 businesses, which together generate over \$25 million in funding towards street and sidewalk beautification, marketing and promotional campaigns, street festivals, clean street/graffiti-removal campaigns, and crime prevention strategies. BIAs also act as a unified voice to address common issues and to act as catalyst for civic improvement on behalf of their membership.

In 2007, City Council approved changes to Chapter 19 of the Toronto Municipal Code which allow BIAs to use their levy to offer graffiti removal services to their members. Allowing BIAs to offer a graffiti removal program is consistent with the promotion of the area as a business or shopping destination. If graffiti vandalism is not regularly removed, the overall economic vitality is adversely affected by encouraging more graffiti vandalism and other forms of blight. Excessive graffiti can also lower property values and deter investment.

Since these Code changes, 15 BIAs have retained graffiti removal services from private contractors. These BIAs have found it to be an effective approach to regular, ongoing graffiti clean-up which is essential to an effective graffiti eradication strategy. In addition, by securing graffiti removal services on an area basis, the BIA can achieve economies of scale and secure lower rates. Individual members also benefit by taking advantage of these lower costs than when they retained graffiti removal services individually.

The type of service offered usually involves an initial clean-up of the area for a set fee and a monthly charge for weekly clean-up. Most companies also provide an on-line service to BIAs to track and report graffiti on properties. In all cases, consent from the

owner is required before the contractor can access the property for cleaning. It should be noted that this service only covers removal from locations visible from the street and situated on the first floor. These limitations reflect restrictions under the *City of Toronto Act, 2006 ("COTA")* as discussed below. In most cases, the service provider will offer supplementary graffiti removal from other locations (i.e. the rear of buildings and upper floors) at additional, yet reduced, cost to the individual property owner.

Of the 15 BIAs that currently retain graffiti removal contractors, the initial clean-up charge varies depending on the extent of the graffiti problem and ranges from \$5,000 to \$40,000. The regular maintenance charges for a BIA average approximately \$20,000 per year. This equals approximately \$87 per year or \$7.25 per month for an individual property owner.

Consultations with TABIA and several BIAs reveal that a financial or other incentive of some type would enable and motivate more BIAs to retain continuous graffiti removal services. At this time, staff are exploring a range of options to incentivize BIAs, as well as businesses not located in BIAs to take on such continuous graffiti removal contracts.

The details of this new graffiti eradication program will be reported in September 2011 to the Economic Development Committee.

Staff were asked to review whether BIA levies could be used to remove graffiti from portions of buildings not visible from the public street. BIA charges are collected from BIA members under the fees and charges sections (329 and 331) of COTA, for services provided on behalf of the City. Under Ontario Regulation 594/06, fees and charges that are imposed by the City for the purpose of promoting the area as a business or shopping area, and overseeing the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area, beyond that provided at the expense of the municipality generally, are given priority lien status. Deviation from this purpose would jeopardize the priority lien status currently granted to BIA charges. Also, deviation from the definition of "tax" in section 329(12) of COTA (which include fees and charges imposed to raise money for the purposes of promoting an area as a business or shopping area) also jeopardizes the eligibility of properties within the BIAs for charity tax rebates and vacancy tax rebates in relation to the BIA levies.

The graffiti and poster removal service currently provided by BIAs is consistent with the intent of the COTA provisions and regulation. The service is also permissible, even though it provides a benefit to commercial property owners, as this limited service provides a public benefit to the business or shopping area of the BIA and its abutting neighbourhoods, as graffiti and posterings detract from the City's beauty and liveability. Therefore, BIA graffiti removal services should be restricted to those locations easily visible to the public as these locations have the potential to detract from the economic viability of the area.

One of the challenges in delivering a BIA graffiti removal program is receiving the required permission from property owners to allow the BIAs' graffiti contract to access

the property. Despite the BIAs' outreach effort, many owners are either unaware of the program or difficult to contact and, therefore, do not provide the required permission. In response to this concern, staff were requested to determine whether the City can delegate its authority to remove graffiti under Chapter 485 of the Municipal Code to BIAs.

Enforcement of Chapter 485, Graffiti, cannot be delegated to BIAs. The province appoints provincial offences officers to enforce municipal bylaws (which includes all municipal employees whose duties include the enforcement of bylaws). BIAs can participate only by providing services that assist MLS staff with remedial work. Staff are reviewing when and what information on a BIA's services could usefully be provided to an owner with the notice to comply with Chapter 485, Graffiti.

**Program for Residential Properties – A Partnership with the Crime Prevention Association of Toronto (CPAT)** – While residential property owners may be victimized by illegal graffiti and tagging, the financial and logistical burden to remove illegal graffiti is most difficult for seniors, those with minimal resources and fixed incomes, or those unable to access removal materials or assistance.

In addition to the new ward-based graffiti strategy that will be developed with Toronto Police Service, staff have identified an additional and significant partner for community-based graffiti removal.

Based on examples from other jurisdictions (e.g. London, Ontario) staff are developing a partnership with the Crime Prevention Association of Toronto (CPAT) for community-based graffiti removal. Established in 1982, CPAT has a network of Neighbourhood Watch groups and crime prevention practitioners, including the Toronto Police Service and other community partners, to promote neighbourhood safety and reduce crime through education and the sharing of resources and expertise.

CPAT is willing to include graffiti removal as one of its initiatives to foster neighbourhood safety, confidence and pride in the community. They believe they could offer graffiti removal as a volunteer based service to seniors and those who could not afford the program, and at a small cost to others while providing jobs for youth.

The community-based graffiti removal program could include:

- **Education:** Development and distribution of graffiti prevention and removal information and resources to residents, local businesses, schools, community centres and youth groups on graffiti. Information could include its impacts and information on programs for murals and other graffiti art.
- **Paint/Products:** Provision of paint/products to remove and cover up graffiti for eligible participants.
- **Volunteer Assistance:** Development of a network of volunteer groups (such as CPAT's Neighbourhood Watch groups) to assist with community-based graffiti clean-up efforts.

### 3. Support and Recognition for Legal Graffiti, Murals and Other Forms of Street Art

A recurring theme during consultations was the opinion of the arts community, graffiti painters, youth, BIAs and many members of the public about the importance of street art for the city, about the beauty of many pieces of graffiti art and other forms of street art, and about the lack of opportunity to create these works. Members of the graffiti arts community also believe that the provision of more opportunities to create legal graffiti and other street art will divert some of the illegal activity.

**Community and Graffiti Transformation Program** – This Plan calls for the enhancement of the existing City Graffiti Transformation Program into a new public-private partnership model. This proposal is based on Philadelphia's Mural Arts program, regarded as one of the best North American examples of creating notable City assets through high quality, city-wide street art, through the engagement of youth and the arts community. The Philadelphia program is funded largely by the private sector with a budget of \$6 million (U.S.) and ranks among the most influential of the arts organization in that city. It has made the arts accessible for a wide range of users and has enhanced Philadelphia as a tourist destination.

This approach is consistent with the City's new Creative Capital Report adopted at the May 2011 Council meeting, which speaks to the importance of providing access and opportunity for cultural participation to all citizens across the entire city.

The existing Graffiti Transformation Program is an annual City Grants community investment program based in the Social Development, Finance & Administration (SDF&A) division that addresses youth unemployment, as well as neighbourhood improvement and revitalization issues. Youth are hired by local arts organizations to remove graffiti and resurface public and private walls with attractive murals. At this time, the Graffiti Transformation Program oversees the dispersal of funds to 20 qualified arts organizations. Since the Graffiti Transformation Program's inception in 1996, over 9,000 individual tags have been removed, over 300 sites have been cleaned and 430 murals have been created. An estimated 1,276 youth have received paid work and training in the technical aspects of graffiti removal, outdoor art and business skills.

The proposed new program will be the centralized site for all City mural-making efforts. Apart from creating more murals, it will engage a broader range of citizens in public art and targeted creation of street art across the city for community development purposes, as well as graffiti management. Through this program, legal areas for graffiti art will be secured and partnerships created between business and artists. It is well established that graffiti art and other street art is for the most part a deterrent to graffiti tagging and vandalism.

It is proposed that the existing \$353,940 grant allocation for the CPIP Graffiti Transformation Program be transferred to the Public Realm Section, Transportation

Services as part of the 2012 Operating Budget where it will be better integrated with all of the City's graffiti management activities. SDF&A have been consulted on this direction and are in agreement that this is the next logical step in its evolution.

Over the course of the development of this Plan, several private companies and members of the graffiti art community came forward asking to be involved in creating more opportunities for high-quality graffiti art and other street art. Once established, staff would immediately start to work with these individuals and with the Toronto Office of Partnerships to aggressively seek out private sector support. Over time, staff believe that there may be an opportunity to sever the program from the City and establish a self-funded non-profit organization.

One new venture from collaborations developed over the past six months includes the Street Art Showcase, which is attracting artists from around the world who will display their work digitally on selected walls of the city during the Toronto International Film Festival. This event is focusing attention on Toronto as a progressive international arts and cultural centre and is an innovative way to support legal graffiti art and other forms of street art.

Youth and artists involved in the program will be accessing City resources and, therefore, will be required to sign an agreement that they will not engage in illegal tagging or graffiti vandalism.

#### 4. Creation of a Coordinated Graffiti Function

One of the consistent themes in the research for this report was the difficulty that staff, councillors and the public have determining 'who does what' on graffiti matters. Municipalities that have taken an aggressive approach to graffiti have systems that are easy to understand with clear accountability.

**Coordinated Graffiti Function** – based in the Public Realm Section of Transportation Services – it will take responsibility for a range of city-wide efforts to reduce graffiti vandalism. It will work collaboratively with MLS enforcement. This group will be a central repository for advice and support to the public on graffiti-related matters. Working with City communications staff, it will coordinate and develop graffiti-related education materials and maintain the City's graffiti web page consistent with the Graffiti Management Plan. It will work with the public and business and all stakeholders as required.

Staff will ensure that graffiti removal from City properties is achieved within the established timelines and the delivery of graffiti eradication services is supported by measurable and continuous performance. This group will be responsible for benchmarking the impact of all City activities on the diminishment of illegal graffiti. It will ensure that contracts or agreements for delivery of graffiti management services are consistent across the city with outcomes specified and aligned with Council's directives.

Staff will provide an authoritative place to try the many new approaches, products and technologies that are being developed for graffiti management and to find cost savings through different modes of service delivery.

The Coordinated Graffiti function will have an important role to play with respect to the City's ABCCs and large corporations. The letters of response from the ABCCs to the Mayor's letter were supportive of making graffiti eradication a priority and working with the City. The MLS-led May 2008 proactive graffiti enforcement pilot project on City-owned buildings and utilities, City ABCCs, as well as property owned by the private utility companies, publication companies and Canada Post showed that opportunities existed for improved timelines, better service and mutual cooperation. This level of commitment requires a continuing coordinated effort in order to develop proactive and consistent standards, gain efficiencies and coordinate reporting strategies.

### **Status of the City-Wide Postering Bylaw (Chapter 693, Signs, Article IV, Posters on Public Property)**

At its meeting of July 25, 26 and 27, 2006, Council adopted the Municipal Licensing and Standards report on postering on public property. City Council recommended that the City Solicitor be directed, once the street furniture postering boards and columns had been installed, to prepare the necessary bill substantially in the form of the draft Postering Bylaw.

On August 27, 2010, Council enacted Bylaw No. 1074-2010 to amend Chapter 693 (Signs) of the Municipal Code to bring into force the postering regulations. MLS developed an enforcement plan, in collaboration with Transportation Services and Solid Waste Management (SWM), to implement a pilot program in an area with an extensive amount of posters. The pilot focused on an area bounded by Front Street West, Spadina Avenue, Bloor Street West and University Avenue.

The pilot lasted approximately 12 weeks and commenced the week of February 4, 2011 – involving MLS and SWM staff teams engaged in evidence collection and poster removal in the designated area. This pilot resulted in staff identifying a total of 5,654 posters, preparing 1,180 charges and removing 18,569 posters. Since the pilot ended, staff have periodically revisited these main streets to sustain the results.

Given the lessons learned in the initial project area, staff of MLS is shifting the focus to an area east of University Avenue. This area will be generally bounded by University Avenue, Davenport Road, Yonge Street and Queens Quay.

As part of this effort staff have commenced working in partnership with the Downtown Yonge BIA. In this initiative, MLS staff will be gathering evidence for the purpose of laying charges while the Downtown Yonge BIA crews will carry out its regular poster removal activities.

Going forward, MLS expects to use both reactive and proactive initiatives. A large part of the success will rely on the work done by SWM to remove posters at these locations after MLS has gathered the necessary evidence for charges.

MLS continues to respond to complaints across the city, using the approach of gathering evidence for charges and coordinating for the removal of posters by SWM. MLS, in collaboration with other divisions, will identify areas with high concentrations of posters and conduct Targeted Enforcement Actions to enforce the city-wide Postering Bylaw. With TABIA, MLS will seek opportunities to have MLS enforcement actions support any existing clean up activity undertaken by individual BIAs.

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## **SIGNATURE**

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## **ATTACHMENTS**

Attachment 1 – Graffiti Management Plan – 4 Key Action Areas (2011)  
Attachment 2 – Public Consultation and Review of Other Municipalities  
Attachment 3 – Toronto Police Service Graffiti Management Program