

1.1 Graffiti policy

1.1.1 Background

- a. Upper Hutt City Council has no formal legislative obligation to remove graffiti from public places or private property; however there is an expectation that graffiti removal falls under Council's legislative responsibilities to develop and maintain community infrastructure, and enhance the quality of the city environment.
- b. Section 11A of the Local Government Act 2002 (LGA) states that in performing its role, a local authority must have particular regard to the contribution that libraries, museums, reserves, recreational facilities, and other community infrastructure make to its communities. In fulfilling this role, the LGA states that local authorities should take into account the social, economic, and cultural interests of people and communities and the need to maintain and enhance the quality of the environment.
- c. It is clear from public feedback in the community survey and via other mediums that graffiti is an important issue for our community.
- d. Graffiti detracts from our sense of community safety and pride, the attractiveness of our public facilities and spaces, and the image and perception of Upper Hutt for locals and visitors. This undoubtedly has an impact on economic development by deterring existing and potential investors and residents.
- e. As such, Council has always made an effort to remove graffiti from public spaces (excluding pedestrian accessways), placing a particular emphasis on the CBD zone (as defined in the District Plan) and public amenities like parks and reserves.

1.1.2 Objectives

The objectives of this policy are to:

- a. Define Council's responsibilities with respect to graffiti removal within Upper Hutt City boundaries
- b. Identify the areas which are high priority for graffiti removal within city boundaries
- c. Define the criteria which must be met before Council will take responsibility for removing graffiti.

1.1.3 Graffiti removal criteria

Council will undertake removal of graffiti that is removable at an acceptable cost (as determined by the Director of Asset Management and Operations) within the city boundaries according to the below identified priority zones and responsibilities.

Priority zones:

- a. Remove graffiti, on public or private property, which is clearly visible from the street or footpath in the CBD¹.
- b. Remove graffiti, on public or private property (road fences), which is clearly visible from the street or footpath as listed in Appendix 2. Remove graffiti from suburban shopping villages and within 50 metres on the same road outside of the city centre, which is clearly visible from the street or footpath.
- c. Remove graffiti automatically from Council owned infrastructure such as signage, buildings footpaths, fences etc.
- d. Remove graffiti from school frontages and within 50 metres on the same road, which is clearly visible from the street or footpath.

Council responsibilities:

- a. Remove all graffiti in the above identified priority zones within 48 hours of it being reported on weekdays (i.e. Monday to Friday).
- b. Supply owners of private property outside of the 'priority zones' with paint² to cover up graffiti if budget allows.
- c. Refer reports of graffiti vandalism on private property and assets outside the priority zone to the property owner for processing and removal.
- d. Refer reports of graffiti vandalism on private assets owned by infrastructure providers to the owners for processing and removal³
- e. Encourage private individuals to take responsibility for removing graffiti on their property not in the 'priority zones' and supply them with paint to do so if available.
- f. Encourage community groups, business and private individuals to take responsibility for removing graffiti in public spaces not in the 'priority zones' and supply them with grey paint to do so if budget allows.
- e. Keep robust records of all reported graffiti city wide, and provide the police with access to this data.
- g. Provide a report on graffiti crime in Upper Hutt to the local police on a monthly basis
- h. Report to Councillors via the City Service Committee on graffiti vandalism statistics.

1.1.4 Conditions

- a. The Council officer responsible for graffiti removal is able to deviate from the criteria (and remove graffiti outside the 'priority zones') only if:
 - The graffiti contains content which violates commonly accepted standards of decency⁴; or

¹ The CBD (or city centre) boundaries are defined within the District Plan.

² Council will only supply paint that it receives free Paint matching is beyond council resources to provide.

³ These providers include Wellington Electricity, Chorus, Telecoms providers, Electricity providers, Kiwirail, Greater Wellington Regional Council and other infrastructure service companies.

- The presence of graffiti is likely to generate wide spread public complaint.
- b. Although the criteria contained in Clause 4a of this policy may be applicable to an instance of graffiti vandalism reported to Council, this does not mean the Council officer will or must agree to remove the graffiti.
 - c. Graffiti on private property will only be removed with the owner’s consent (this excludes front fences). Council will first concentrate on removal by chemicals and secondly by painting over the graffiti section only. The contractor will attempt to colour match the correct paint/stain to the best of his/her ability. It is not Council’s responsibility to repaint the whole wall/fence.

1.1.5 Budget

- a. The budget for graffiti removal will be set annually under Asset Management and Operations operational budgets as part of either the Long Term Plan or Annual Plan process.
- b. The budget for the delivery of a ‘Graffiti Prevention Strategy’ will be set as part of the Long Term Plan Process every three years.

The budget allocation will be treated as follows:

- a. Any budget remaining under the Asset Management and Operations ‘graffiti removal’ line at the end of the financial year will be considered for ‘carry over’ to the following year in case of an unexpected increase in removal costs.
- b. In the event of any significant and unanticipated budget variance, Councillors will be advised via the Asset Management and Operations Director’s report to the City Services Committee, and additional funds will be sought if necessary.
- c. Graffiti removal budgets will be reviewed every year as part of the Annual Plan process to ensure they are sufficient to cover costs based on average monthly spending over the past financial year.

1.1.6 Operational Procedures

Council’s detailed procedures for dealing with graffiti vandalism are set out in a document called ‘Graffiti Policy – Operating Procedure’ [operative from 1 October 2014].

1.1.7 Definitions

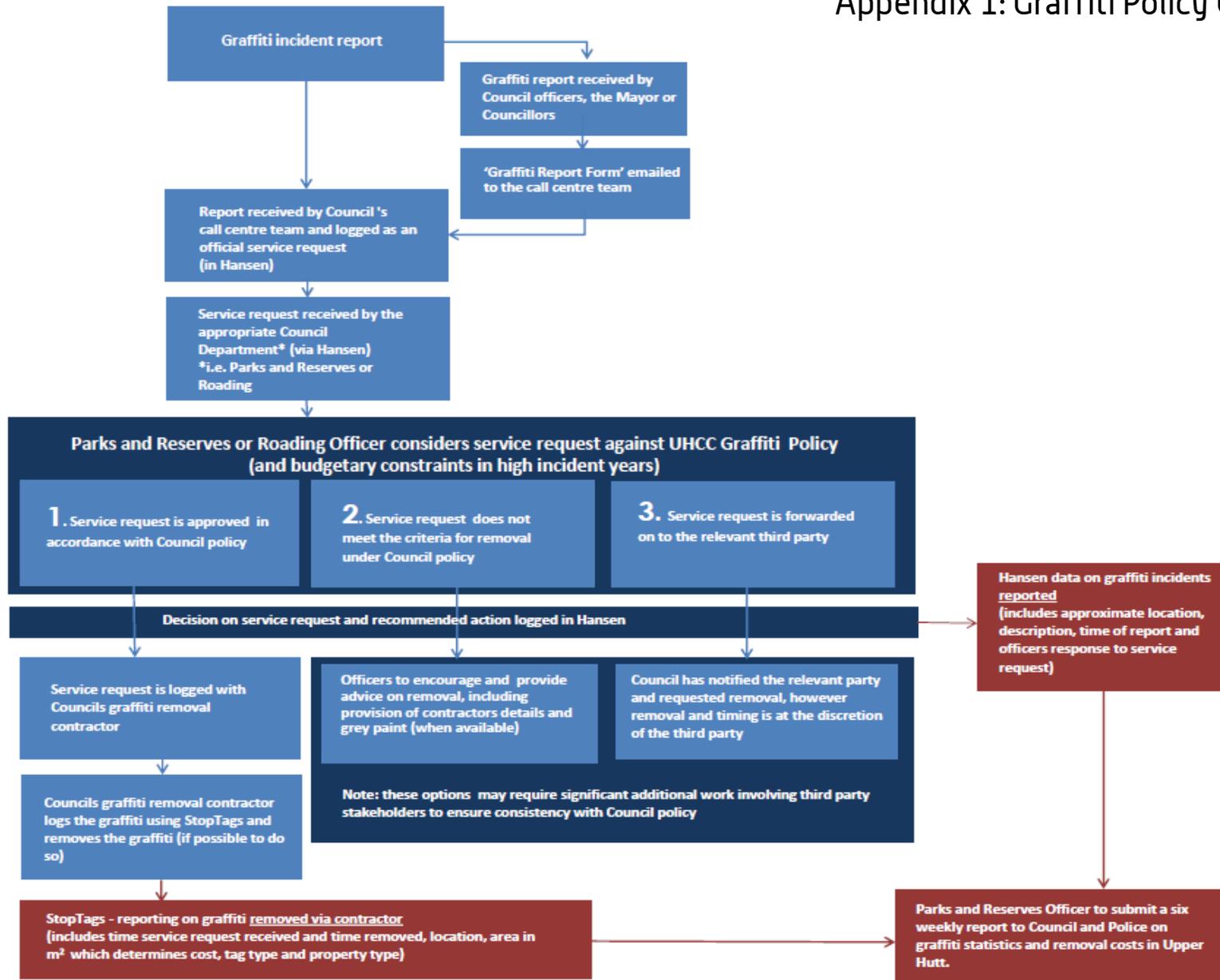
- a. Council means the Upper Hutt City Council
- b. district means the district of the Upper Hutt City Council
- c. graffiti means damage to, or defacement of, any building, structure, road, tree, property, or other thing by writing, drawing, painting, spraying, or otherwise marking it with a recognised tag or symbol.
 - without lawful authority; and
 - without the consent of the occupier or the owner or any other person in lawful control

⁴ See definitions for the “Commonly held standards of decency”.

- d. private land means land other than land belonging to the Crown or a local authority, or to an agency or instrument of the Crown or a local authority
- e. property includes a building, structure, road, paved surface, or object of any kind
- f. public place has the meaning given to it by section 2 of the Summary Offences Act 1981
- g. remove, in relation to graffiti removed by Council, includes erasing or covering up graffiti, which can be erased or covered up, with the most suitable removal agent (erasing) paint (covering up) and does include colour matching. This policy definition also excludes removal of etching.
- h. “Commonly held standards of decency” is a term used by the broadcasting standards authority to describe content that is not illegal but ‘a majority of people would agree was in bad taste’. As such, our definition of the term includes content which:
 - contains explicit sexual material (including jokes or comments); or
 - portrays, encourages or incites violence; or
 - features swear-words; or
 - deliberately attacks on an individual in a manner that could be considered bullying; or
 - contains slanderous content; or
 - contains racist language or jokes; or
 - portrays, encourages or incites illegal activity; or
 - portrays, encourages or incites discrimination on the basis of ethnicity, creed, appearance, age, religion, gender, marital status, status with regard to national origin, physical or mental disability, and sexual orientation; or
 - compromises the safety or security of the public or public systems.

*Adopted by the Upper Hutt City Council on 24 September 2014.
Reviewed September 2016.*

Appendix 1: Graffiti Policy Operating Procedure



Map showing graffiti removal areas/roads in Upper Hutt

