

FEATURES

There *Are* Good Ways to Take Care of Nuisance Abatement

by Donnie Tuck

"Small disorders lead to larger and larger ones, and perhaps even to crime."

-James Q. Wilson, "Foreword," *Fixing Broken Windows*, 1996

We've all seen the signs-"We Buy Houses" and "Earn \$\$\$ Working from Your Home"-tacked to trees and poles or posted in the right-of-way; also, the graffiti on streets and street signs, underpasses, and the sides of buildings; trash and yard waste at curbsides on the wrong days; and mattresses, bags of trash, and shopping carts dumped on vacant lots.

Realizing that "small disorders lead to larger and larger ones," Norfolk, Virginia's department of public works (DPW) has spent the past 10 years developing a comprehensive program for nuisance abatement. First, and foremost, the department tries to educate Norfolk residents about what is acceptable and what is unacceptable. The department then abates the nuisance with its comprehensive toolbox of ordinances and enforcement strategies.

ILLEGAL SIGNS

In Norfolk, as in most Virginia communities, an election occurs every year, but it's not the campaign signs in the right-of-way that generate the most complaints from residents. Instead, it is the seemingly endless plethora of signs for home-based businesses, concerts, lost animals, and yard sales that are posted on trees and poles along city streets.

DPW has a three-step solution for illegal signs:

1. Several years ago, DPW assigned its six field operations divisions (stormwater management, streets and bridges, surveys, towing and recovery, traffic operations, and waste management) to different routes in the city. Now, whenever public works crews and inspectors are in the field, they are expected to be vigilant about illegal signs and remove them. In addition, at least once a month, the divisions sweep their routes and collect all the illegal signs in their assigned areas.
2. To discourage the posting of signs in the right-of-way, the department and the city's legal office wrote an ordinance that was passed by the council that makes the posting of signs in the right-of-way a class 1 misdemeanor, punishable by a fine of up to \$1,500 a day. To show that the city means business, department staff members often call the numbers on the signs to educate the individuals and request the removal of the signs. In the most egregious cases, public works coordinates with the police department or the city attorney's office to pursue legal action against the offenders.
3. In October 2005, the council passed another ordinance that permits the department to deputize Norfolk residents to assist in sign removal-except for political, real estate, and civic league signs. The first sign removal training class attracted almost 20 residents.

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GRAFFITI VANDALISM

Whether graffiti is an attempt to draw attention to one's artistic abilities (tagger graffiti) or an indicator of gang activity (tag banging), graffiti degrades a community. Although many communities might have experienced an increase in graffiti vandalism in recent years, Norfolk's minimal graffiti is due to the city's policy of abating graffiti in the right-of-way. The city also has in place a unique ordinance that provides incentives as well as penalties for removing graffiti on private property.

If the property owner removes the graffiti within 15 days of notification, the city pays the property owner up to \$50 toward the removal cost. If the graffiti remains another 15 days, the owner is required to remove it but does not receive reimbursement from the city. After that, the property owner is cited for a violation and fined. The city can then remove the graffiti and charge the owner the cost of removal.

"Graffiti is a copycat type of nuisance," says John Keifer, Norfolk's director of public works. "When graffiti remains in place, it attracts more graffiti. The extra costs of removing it quickly are less than the costs of eventually removing larger amounts. Within the right-of-way, our policy is to remove the graffiti within 48 hours by simply painting over it. There are various graffiti removal products, but while you are trying to figure out the product to use, the stuff remains up there longer. If you paint it out, it looks better than it did when the graffiti was there."

The department also works with agencies such as the Virginia Department of Transportation and Dominion Virginia Power and with companies such as Norfolk Southern to pursue quick removal of graffiti on their assets.

ABANDONED SHOPPING CARTS

For several years, public works crews and abandoned shopping carts coexisted in relative harmony. But about three years ago, as the city improved its appearance, the number of abandoned carts on vacant lots, in drainage ditches, and along curbs became more noticeable.

"We checked nationally, but we didn't find much in the way of people dealing effectively with shopping carts," Keifer explains. "So, again, we did a unique thing. We passed an ordinance where the city can pick up shopping carts that are in the right-of-way and take them to our towing lot. The grocery stores can redeem them for \$10 apiece.

"This has evolved to the point that with a number of grocery stores, our crew picks up the shopping carts, takes them to the store, the store manager signs a voucher, we send him or her a bill, and the corporate office pays it. It saves all of the handling."

The program has been in effect for two years. During that time, Norfolk retrieved an average of 100 carts per month. "The money we get covers the cost of the program," says Keifer. "The carts that aren't redeemed are auctioned. They're bought by scrap dealers and, in some cases, by other stores and other merchants."

ABANDONED VEHICLES

Operating its own towing and vehicle recovery division isn't within the purview of most public works departments, but Norfolk's PWD has been doing exactly that since the spring of 2000. Before 2000, inoperable or abandoned vehicles (those lacking a current license plate or inspection) might sit on city streets or in the yards of property owners for weeks before they were discovered, ticketed, and towed. Now, because of the efficiency of more aggressive code enforcement officers, a properly noticed vehicle can be removed within a half hour.

"We have a number of towing firms under contract, and we rotate the tows among them," says Keifer. "They have a half hour response time. Our towing operation is in contact by radio and telephone, as well as e-mail, with the police and public health departments.

"When a police officer finds an abandoned vehicle and gets through the legal process, we can get it within a half hour. If a public health inspector, after giving proper notice, decides that a nuisance vehicle in somebody's yard needs to be towed, it's gone in a half hour. Our towing operation works 24 hours a day."

More than 650 vehicles are towed to the towing division's impound lot each month. An equal number exit the lot each month, reclaimed by owners, auctioned, or sold for scrap. The operation is financially self-sustaining.

NEIGHBORHOOD EYESORES

In Norfolk, garbage and recyclables are collected weekly, Tuesday through Friday, but move-outs and evictions frequently occur on days when collections aren't scheduled. And, as in most communities, household and yard debris are placed at curbside days before the scheduled collection.

To manage the problem of move-outs and evictions, the department eight years ago had an ordinance approved that required the property owner, the owner's agent, or the property manager to remove the material from curbside within 24 hours. If the property owner did not have the means to remove the material within 24 hours, waste management personnel could be requested to remove the material at a rate of \$150 per truckload.

If the material remained at curbside after 24 hours but the owner still had not notified the city to cart it away, city work crews could remove the material and bill the owner at \$300 per truckload. A notification letter was sent to all the real estate agencies and property management companies in Norfolk to inform them about the new requirements.

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About two years ago, at the behest of the council and civil leagues, waste management implemented a zero-tolerance policy with respect to refuse violations. First-time offenders no longer get warnings; all violators now receive a \$25 fine. At the same time, the division also created the Bulk Waste Strike Team. This unit, which consists of a supervisor, three collectors, and the division's five code inspectors, responds to special situations related to garbage collection and bulk waste—primarily materials that need to be collected on days when a regular collection is not scheduled.

"If someone is evicted and all their stuff is put out on the curb, these guys will get it," explains Keifer. "If someone puts garbage out on the wrong day, we'll write them a ticket, then pick it up."

Also tasked with abating eyesores are the two-men-in-a-truck teams that patrol city rights-of-way and pick up any junk—tires, shopping carts, illegal signs, and bags of garbage—that they see lying around. Teams are also tasked with cleaning up illegal dump sites, stormwater ditches, paper streets—unimproved rights-of-way that are basically grass or dirt—and other places where trash can accumulate. The teams are also responsible for cleaning up illegal dumping on privately owned vacant lots.

"The way this program works is that the public health department cites a property for a public health violation because there's tall grass or junk," notes Keifer. "Our nuisance abatement team will pick up any illegal dumping, and the parks and forestry division will cut the grass. The property owner is billed for the services, and a lien can be placed on the property. This program is funded partly by the money we receive from the property owners but also by a special nuisance abatement tax—a 1 percent tax on cigarettes."

To encourage residents to properly dispose of items from a garage or yard cleanup, public works in early 2004 requested that the regional public service authority open its Norfolk transfer station on Saturdays and Sundays. Residents receive free disposal-the city actually pays the cost of disposal-provided they can show proof of residency and they drive a noncommercial vehicle weighing less than one-half ton. Residents are also offered free disposal of household hazardous waste at the Norfolk transfer station twice a month and at nearby regional facilities every day of the week.

BUSINESS-RELATED CONCERNS

Just over five years ago, the PWD's stormwater management division wanted to forge a closer relationship with local businesses and industries whose practices have the potential to negatively impact Norfolk's waterways. What resulted was the Clean Business Partners program.

Industry professionals of selected businesses are invited to attend educational sessions that raise their awareness of the connection between the stormwater drainage system and natural waterways. They learn how their work contributes to stormwater runoff, and they find practical alternatives for reducing pollutants in runoff.

Through the program, the division has worked with local landscapers, restaurants, carpet cleaners, power washers, swimming pool service and supply companies, car wash companies, shipyards, marinas, and concrete companies. Each of these industries uses a product or produces a waste that travels easily through the stormwater drainage system and ultimately to the Chesapeake Bay. Clean Business Partners has had tremendous success in reducing the amount of pollution and illegal dumping.

ENVIRONMENTAL CRIMES

In the spring of 1994, an illegal dumping of oil in a Norfolk storm drain netted the violator a \$250 fine for littering, but the city's cost to clean it up was \$50,000. The punishment for committing similar violations was so insignificant and the road to conviction so cumbersome that violators were undeterred and committed the same crimes again and again.

In 1995, because serious environmental violations were becoming more noticeable, the Norfolk Environmental Crimes Task Force (ECTF) was created. ECTF is a multidepartmental team led by a member of the Norfolk city attorney's office, and its membership is drawn from all of the enforcement and environmental agencies in the city-public works, police, fire, code enforcement, and public health. Among its goals are:

- Educate the public about the adverse environmental effects of illegal dumping and other environmental crimes.
- Enlist citizen help in identifying and eliminating blight.
- Revise Norfolk and Virginia codes to improve enforcement.
- Prosecute violators to the fullest extent possible.

"What they [the ECTF] do is focus on the small but, in aggregate, important things that have to do with code violations or damaging the environment," explains Deputy City Attorney Cindy Hall. "In addition to taking a multidepartmental look at things, this group creates ordinances like the ones for shopping carts and illegal signs that give us the tools to go out and enforce them."

MEASURING EFFECTIVENESS

To measure the effectiveness of its efforts to abate nuisances, DPW conducts annual "windshield" surveys on the cleanliness of the city. One survey is the Keep America Beautiful(tm) "litter index," in which trained volunteers with the Norfolk Environmental Commission observe 63 randomly

selected routes that are considered-based on geography, development patterns, and demographics-to be representative of the city.

Riding in a van, each observer assigns a score from 1 (no litter) to 4 (heavily littered) to each of the 63 areas. Scores from all observers are then averaged and compared with the litter index from the year before. Another measure is conducted by waste management inspectors who ride around the city and count the number of violations of garbage out on the wrong day. These figures are compared with previous years' totals to determine progress from year-to-year.

WHAT DOES THIS PROVE?

The initiatives identified here have been extremely effective in improving Norfolk's safety and appearance. Through the involvement of numerous public works staff members and frontline workers, employees' pride in the city and feelings of ownership about the city are enhanced, and the city, in turn, becomes a more attractive place for people to live, work, and visit. PM

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