

Mural Ordinance
Repeal 1393.14(i)
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Law Department

Ordinance No.

An ordinance repealing Section 1393.14(i) of the Toledo Municipal Code entitled, “Unclassified Signs” and enacting a new Section 1393.15 of the Toledo Municipal Code entitled, “Murals permits required, penalty.”

SUMMARY AND BACKGROUND:

Murals are an integral part of the cultural expression in the City of Toledo. Murals will be created by artists of diverse cultural traditions and backgrounds. The intent is to aid artists and others in understanding issues surrounding the creation of a mural and to apprise parties involved in mural projects of the permit process. All conservation and restoration will be the responsibility of the property owner.

All murals which are on public property or visible from a public thoroughfare within the City of Toledo must receive prior permit approval from the Arts Commission of Greater Toledo. Artists or community groups who want to paint murals must obtain permission from the property owner. Murals on public or private property without permission of the property owner will be illegal and punishable by law. The conservation and the maintenance of the murals will be the responsibility of the property owner. This ordinance will not permit any type of illegal sign, irrespective of artistic content. The Arts Commission of Greater Toledo will be responsible for administering the Murals Program. Applications will be reviewed and then forwarded to the Mural Authority for consideration. The Mural Authority will be made up of five (5) mayoral appointees from the community and three (3) members of the Art in Public Places committee. They will review and approve or disapprove all mural permit applications as sent to the Arts Commission for administration.

NOW, THEREFORE, be it ordained by the Council of the City of Toledo, that:

SECTION 1. Section 1393.14(i) of the Municipal Code which presently reads:

- (i) Painted wall murals or other similar artwork, except after considering the advice of the Arts Commission of Greater Toledo.
(1952 Code § 43-8-13)

be and the same is hereby repealed.

SECTION 2. That a new Section 1393.15 of the Municipal Code be enacted to read as follows:

1393.15 Murals, permits required, penalty.

(a) Definitions

(1) Mural is defined as any inscription, artwork, figure, wall mural, graffiti, marking or design that is marked, etched, scratched, drawn or painted on any property listed in subsection (b)(1).

(2) Owner, operator, and premises are defined under Toledo Municipal Code 1726.01(b), 1726.01(c) and 1726.01(d).

(3) Property is defined as any public property or any private property which is observable from the public right of way or from a public space.

(b) Defacement of Property

No person shall place artwork, mural, graffiti, write, paint or draw any inscription, figure, or mark of any type on any property listed in subsection (3) unless the express permission of the owner or operator of the property has been obtained and a permit has been issued as provided herein.

(c) Mural Application Permit

(1) Any person, firm, corporation or association desiring to place on any property an inscription, figure, artwork or mark of any type shall first obtain permit from the Arts Commission of the City of Toledo. Applications for the permit issued under this Section shall include the following information:

(A) Name and address of the creator of the artwork or mural.

(B) Name and address of the owner, operator, or the person in possession of the premises where the artwork is located or to be located.

(C) Clear and legible drawings with description definitely showing location of the mural which is the subject of the permit and all other existing artwork whose construction requires permits, when such artworks are on the same premises.

(D) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended. If required by the Arts Commission engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

(2) Upon receipt of a completed application, the Arts Commission of Greater Toledo Mural Authority shall conduct a review within thirty (30) days. The artist or organization sponsoring the mural shall be available to the Mural Authority for an interview. The Mural

Authority shall consist of eight members. Five (5) members shall be appointed by the Mayor and three (3) members shall be selected by the Arts Commission from the Art in Public Places Committee.

(3) The Mural Authority shall grant an application for mural permits that meet the Mural Authorities technical and aesthetic standards.

(4) Approval by the Mural Authority is granted for the specific design and onetime production of the mural presented. The permit is granted for an indefinite period of time provided no changes are made to the original image presented to the Authority. Any changes must be submitted to the Authority for review and determination as to whether the changes require approval from the Authority. This permit is revocable by the Authority if it is determined at anytime that the mural being installed does not comply with the information provided with the application.

(5) Unless a shorter period of time has been established by official action, this permit expires two (2) years after issuance if the approved mural has not been installed, or 180 days from issuance if the work permitted hereunder has not been commenced. This permit shall also expire if it is determined the work authorized by the permit has been suspended, discontinued or abandoned for a continuous period of 180 days.

(6) An Applicant who has been denied a permit under this section may appeal to the Board of Appeals as set forth in Section 1381.05 of the Municipal Code.

(d) Mural Maintenance, penalty.

(1) It shall be the responsibility of the owner or operator of property upon which a mural is placed to maintain the appearance of the mural. A mural that is permitted to remain in a condition of disrepair shall constitute a public nuisance as defined in Section 1726.01 of the Municipal Code.

(2) Whoever violates this section shall be guilty of a misdemeanor of the third degree.

Passed: _____, 2007.

ATTEST: _____
Clerk of Council

President of Council

Approved: _____, 2007

MAYOR