

CITY OF VISALIA

MURAL GUIDELINES AND PROCEDURES

INTRODUCTION:

Murals are considered signs and, as such, are governed by the City's sign ordinance found in Chapter 17.48 of the Visalia Municipal Code ("VMC"). Murals require the issuance of a permit from the City pursuant to VMC §17.48.030. Murals which are non-commercial, contain no advertising copy and which do not function as an advertisement are allowed, subject to review by the Mural Panel and final approval by the City Council (VMC §17.48.040(S)). These guidelines are provided to assist mural applicants through the process prior to presentation to City Council.

PURPOSE: To define the process used by groups or individuals ("applicants") who desire to install murals in Visalia public places. The City of Visalia understands the importance of art in public places and the role that murals play in preserving our culture, conveying the history of our community, beautifying the city and advancing the arts. These guidelines will provide direction to applicants wishing to install murals in public places.

DEFINITIONS:

"Parks Commission" means the Visalia Parks and Recreation Commission which is responsible for City of Visalia Parks.

"Planning Commission" means that Visalia Planning Commission responsible for approving variances in the sign ordinance.

"Public places" means places within the City limits of Visalia, which are visible to the public.

"Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a particular business, product, service, cause, place or brand.

"Commercial Element" means art that by virtue of its location or proximity to a business may serve a minimal commercial purpose. If that art were in a different location, it would be considered pure art and not commercial in nature.

"Mural" means a sign as defined in VMC Chapter 17.48. It is also generally described as a picture or representation, in any type of medium, on an exterior surface of a building, structure, fence or garden wall.

"Mural Panel" means a group of individuals approved by the City Manager to review applications to place murals in public places prior to presentation to Council. Mural Panel will be comprised of one (1) representative from the Arts Consortium, one (1) representative from Arts Visalia, and one (1) representative appointed by the Mayor. In all cases, the person appointed should have no involvement/conflict of interest with the mural under consideration. The representatives will be appointed by the Chair of these organizations and the Mayor upon the receipt of a Mural Application.

“Preliminary Approval” means the application has been accepted, found to be in good order and complete and the proposed mural is deemed appropriate by the mural panel.

GENERAL GUIDELINES:

1. The emphasis of the murals will be on “artistic expression” and must not include an advertisement or be commercial in nature. This will in no way limit or restrict the artist’s right to include speech and/or artistic expression in a mural that is not commercial as defined above. All murals must comply with City ordinances that prohibit indecency or obscenity in public.
2. Murals shall not contain copy, lettering, symbols or references directly to the promotion of any product, business, brand, organization, service, cause or place. Murals may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction. For those mural applications that may contain limited commercial elements, the Mural Panel will ask the question – “If the business on which the mural is located were to move, would the mural still be good quality art and something the community would want to remain?” If so, the mural is not considered commercial speech or advertisement but rather pure art.
3. Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to promote a business, brand, organization, service, cause or place, it shall meet all requirements of the City of Visalia sign ordinance. If the proposed mural is determined to be commercial in nature and is therefore deemed by the Mural Panel to be a form of advertisement, the Mural Application will be referred to the City of Visalia Planning Department for a variance in the sign ordinance. That application will then follow their process for review and approval.
4. Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness. The artist’s signature shall not be more than 1% of the mural.
5. Temporary Murals will receive, as is reasonably practicable, expedited review by the Mural Panel. Temporary murals shall be required to comply with the provisions of these guidelines, and will be removed no later than one year after completed. After one year, if there is a desire for the mural to remain in place, the owner will resubmit a mural application and follow the standard process as outlined herein.
6. Mural artists will be required to demonstrate their ability and experience to create high quality, well designed and well executed murals and/or art. The artist must provide the Mural Panel a portfolio of work that is reflective of the style of the proposed mural. This will be used to help determine whether the artist will be able to uphold the standards for quality art within the City of Visalia. For those artists without a portfolio of work, the Mural Panel will consider other presented forms of art that demonstrate an ability to create a quality mural.

7. New murals erected without receiving proper approval and that did not go through the Mural Application and Approval Process, will be required to retroactively go through the Process. Property owners will have 30 days after receiving notification to submit a mural application after which the mural will be deemed a sign and subject to all permitting requirements of VMC 17.48. The retroactive mural applications will be required to comply with all Mural Guidelines and must receive City Council approval. Murals that fail to be approved will be removed within 30 days after the denial at the property owners expense.

APPLICATION AND APPROVAL PROCESS:

STEP 1: Muralist(s) must obtain an application from the Community Development Department office at 315 E. Acequia Ave. or online at www.visalia.city. The time required to process a mural application will vary but will be a maximum of 90 days from application submittal. The application will provide information to the City regarding location, size, concept and content of the mural, type of paint/media, owner of the building where the mural will be located, artist(s), dates of application, individuals who will be responsible for maintenance. The application must be signed by the individual/group proposing to place the mural, as well as the property owner where the mural will be placed and submitted to the City Manager or his/her designee along with a 1:12 scale [1"=1 ft.-0"] sketch, rendering or photo of the proposed mural.

STEP 2: The application and mural rendering must be reviewed and approved by the Mural Panel and the owner of the property where the mural is proposed to be placed. The review will be conducted to assure compliance with local ordinances and regulations, these guidelines, and the ability of the artist(s) proposing the mural to produce a quality mural. If the mural receives preliminary approval, it will move forward in the process.

Any mural that is to be installed in or on a community center or park, except Convention Center, must, in addition to review by the Mural Panel, be reviewed by the Parks Commission prior to submission to the Visalia City Council for final approval.

STEP 3: After receiving preliminary approval, the artist will then be required to provide for review their portfolio of work that is reflective of the proposed mural. The Mural Panel will use the portfolio of work to help determine whether the artist has the technical skill and ability to produce a quality mural within the City of Visalia. If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide evidence of artistic talent that satisfies the Mural Panel as to the skill and ability of the artist to create a mural that is of good quality.

STEP 4: After review and acceptance of the artist's body of work, the Mural Panel will make a recommendation to the City Council for approval of the mural application which is the final approval step.

MURAL AGREEMENT:

Following approval by the Mural Panel, whether the mural will be placed on public or private property, the property owner and applicant(s) will be required to provide to the City Manager, or his/her designee, evidence of a proposed agreement which identifies the terms and conditions under which the mural will be applied. These terms and conditions include, but are not limited to:

- A. Specifications regarding the mural (location, size, concept and content of the mural, type of paint/media);
- B. Application for Encroachment Permit if necessary;
- C. Identification of ownership of the mural image and use thereof;
- D. Expected timeframe for completion;
- E. Long term mural maintenance;
- F. Circumstances under which the mural may be removed by the City and/or property owner (i.e. lack of maintenance or in disrepair);
- G. Proof of Liability Insurance;
- H. Landscape removal and replacement or protection, if any;

The proposed agreement will be provided to the Mural Panel and will be submitted to City Council along with the recommendation of the Mural Panel and, if necessary, the Park Commission.

APPEAL TO CITY COUNCIL:

In the event the Mural Panel and/or the Park Commission determines the proposed mural does not comply with the parameters of these guidelines or other City ordinances and regulations, and therefore determines to withhold its approval, applicant(s) may apply for a variance as authorized by VMC section 17.48.040(P) and outlined in VMC section 17.48.110.

FINAL INSPECTION AND ACCEPTANCE:

The City reserves the right to inspect the mural during installation and upon completion to ensure that the final product is in compliance with the approved mural application. Should it be found that the mural is not in compliance, the artist and property owner will be notified and given 30 days to remedy the situation. Should the property owner and/or artist fail to make the necessary corrections, the mural will be deemed out of compliance and will be removed at the expense of the property owner and/or artist.

Revised 3-05-14