

..Number

081236

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. ZIELINSKI AND WITKOWIAK

..Title

A substitute ordinance relating to mural regulations.

..Sections

200-33-31 cr

244-3-6 am

244-31 cr

295-201-389.5 cr

295-407-3-f cr

295-407-8-g am

..Analysis

This substitute ordinance requires issuance of a building code permit for any mural constructed on or after the effective date of the ordinance. Pertinent provisions of the ordinance include:

1. A mural is defined as any picture, painting or other art work applied to and made integral with an exterior wall surface of a building, structure, fence or garden wall and which contains no copy, lettering, symbols or any references directly related to the promotion of any product, business or service.
2. The permit application requires the name, address and phone number of the person applying the mural and a notarized letter of approval for the mural from the owner of the property on which the mural shall be constructed.
3. If the proposed mural is on a locally designated historic structure or in a locally designated historic district, proof of a certificate of appropriateness shall accompany the permit application.
4. The permit fee for a mural is \$100 and the annual inspection fee is \$75.
5. A mural shall be permitted providing that it is not within 300 feet of a property with an existing, recorded mural, does not exceed 75% of the area of the façade of a building, structure, fence or garden wall, does not cover windows or doors and does not face an alley.
6. Any orders issued for violations of the code may be issued to both the person constructing the mural and the owner of the property.

..Body

Whereas, Murals are pictures, paintings or other art work applied to and made integral with an exterior wall surface of a building, structure, fence or garden wall and which contain no references directly related to the promotion of any product, business or service; and

Whereas, the Common Council finds that the objects depicted in some murals may cause distraction of motorists and lead to unsafe traffic conditions; and

Whereas, The Common Council is interested in preventing blight and protecting aesthetic qualities by preventing visual clutter; and

Whereas, Pursuant to authority granted to the Common Council under s. 4-10, City Charter, the Council wishes to ensure that murals are located and constructed in a way that protects public health, safety and welfare; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-31 of the code is created to read:

200-33. Fees.

- 31. MURALS.** a. The permit fee for a mural is \$100.
b. The annual inspection fee for all murals shall be \$75.
c. The plan review fee for a mural shall be \$60.
d. There shall be a processing fee of \$3 for each mural permit.
e. A monthly fee of \$75 may be charged for failure to comply with an order to record address and phone changes as required by and in accordance with s. 244-31-2-b.

Part 2. Section 244-31 of the code is created to read:

244-31. Murals.

- 1. PERMIT REQUIREMENTS.** a. Permit. As of [city clerk to insert effective date of ordinance], no person shall construct a mural without obtaining a permit from the commissioner of city development and paying the fees prescribed in s. 200-33-31.
b-1. Exception. Owners of buildings on which murals are located prior to the effective date of this ordinance [city clerk to insert date] must record the existence of the mural with the department of city development on a form furnished for such purpose within 90 days of the effective date of this ordinance [city clerk to insert date].
b-2. Failure to Comply. If a property owner fails to record an existing mural within 90 days of the effective date of this ordinance [city clerk to insert date], the commissioner may cause the removal of the mural, and the cost of such removal may be charged against the real estate upon which the mural is located and may be assessed and collected as a special charge.
- 2. PERMIT APPLICATION.** a. Any person desiring to construct a mural shall file with the commissioner of city development an application in writing on a form furnished for such purpose.
b. The permit application shall require the name, address and phone number of the person applying the mural and a notarized letter of approval for the mural from the owner of the property on which the mural shall be applied. The person applying the mural must inform the department of any changes in address or phone number or he or she may be subject to enforcement fees pursuant to s. 200-33-31-e.
c. The permit application shall be accompanied by 4 sets of scale renderings of the existing façade, structure, fence or garden wall indicating the location and detail of the proposed mural.

d. If the proposed mural is in on a locally designated historic structure or in a locally designated historic district, proof of a certificate of appropriateness shall accompany the permit application.

3. EXPIRATION. If the mural is not completed within 3 months of issuance of the permit the permit is considered expired.

4. INCREASED FEES. Where construction of a mural is started without first obtaining a permit required by this code, the fee specified in s. 200-33-31-a may be quadrupled, but the payment of the quadruple fee shall not relieve any person from fully complying with all the regulations of this code.

5. DESIGN STANDARDS. A mural shall be designed according to the standards in s. 295-407-3-f and shall not be altered from the originally submitted design after obtaining the permit for the mural without the prior approval of the commissioner of city development.

6. VIOLATIONS. Any orders issued for violations of the code may be issued to both the person constructing the mural and the owner of the property.

Part 3. Section 295-201-389.5 of the code is created to read:

295-201. Definitions.

389.5. MURAL means any picture, painting or other art work applied to and made integral with a facade of a building, structure, fence or garden wall and which contains no copy, lettering, symbols or any references directly related to the promotion of any product, business or service. See subs. 579 and 581 for definitions of OFF-PREMISE SIGN and ON-PREMISE SIGN and applicable provisions of s. 295-407 for signs of a commercial nature.

Part 4. Section 295-407-3-f of the code is created to read:

295-407. Signs.

3. SPECIAL SIGN TYPES.

f. Murals. Murals shall be permitted providing they meet the standards specified in subd. 1 and 2.

f-1. The proposed mural is not within 300 feet, as regulated in 295-205-17-d, of a property with an existing, recorded mural, does not exceed 75% of the area of the façade of a building, structure, fence or garden wall, does not cover windows or doors and does not face an alley.

f-2. Murals must be limited to one façade.

f-3. If a mural does not meet the standards in subd. 1 and 2, it is a special use.

Part 5. Section 295-407-8-g of the code is amended to read:

8. EXCEPTIONS.

g. ~~[[Painted murals, permanent]]~~ >>Permanent<< banners and flags not containing commercial messages.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

..Requestor

..Drafter

MET

1/12/09

LRB08520-2