

ORDINANCE NO. 658

AN ORDINANCE OF THE CITY OF WEST COLUMBIA, TEXAS, AMENDING ARTICLE VI ("SPECIFIC SIGNS; REGULATIONS") OF CHAPTER 16A ("SIGN GUIDELINES") TO ADD A NEW SECTION 16A-42 ("MURALS") OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA TO PROVIDE REGULATIONS FOR MURALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of West Columbia, Texas (the "City Council") desires to allow murals on commercial buildings; and

WHEREAS, the City Council must also protect the health, safety and welfare of the public by preventing murals from becoming dilapidated and/or a public nuisance; and

WHEREAS, the City Council also desires to protect the rights of the artists that create murals on commercial buildings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

Section 1. That Article VI, "Specific Signs; Regulations," of Chapter 16A, "Sign Guidelines," of the Code of Ordinances of the City of West Columbia is hereby amended by adding a new Section 16A-42, to be entitled "Murals," which shall read as follows:

"Sec. 16A-42. Murals.

(a) *Definitions.* For the purposes of this section, in addition to the definitions provided by section 16A-4 of this chapter, the following definitions shall apply:

Alter. To change in any way or to any extent the appearance, size, shape, colors, subject, designs, figures, elements or pictures of a mural.

Dilapidated or Deteriorated Condition.

- (1) Where any part of a mural is chipped, flaked, faded, broken, damaged, defective, missing, torn, bent, dented, cracked, splintered, twisted, inoperable, leaning or at angles other than those at which erected;
- (2) Where the message or wording is faded or can no longer be clearly read; or
- (3) Where any part of the mural or exterior wall on which the mural is located is not in compliance with the requirements of the building, electrical, property maintenance or other codes or ordinances adopted by the city.

Mural. A painting, design or artistic work applied to an exterior wall of a non-

residential building that has been registered with the City in accordance with this Ordinance.

Restore. To return a mural to its original appearance and quality from a dilapidated or deteriorated condition.

(b) *Exemption from Sign Regulations; Registration Required.* The maximum height, area, number, and duration requirements applicable to other types of signs shall not apply to registered murals, unless provided otherwise by a City zoning regulation. No person shall apply, install, erect, or restore a mural without first having registered the mural with the City in accordance with this chapter.

(c) *Registration Requirements.* In order to identify a mural as exempt from City sign regulations, the mural must be registered with the City. A City registration form must be completed by the owner or artist of each mural and include:

- (1) the name and address of the artist;
- (2) the name and address of the building owner,
- (3) a statement that the building owner agrees to (i) maintain or remove the mural if notified in writing by the building official that the mural is in a deteriorated or dilapidated condition, and (ii) provide 90 days written notice to the artist prior to taking any action that would damage or destroy the mural;
- (4) whether the location, business name, and name of the artist of the mural may be included in a City list to be provided to the public and various tourism organizations;
- (5) the signature of the building owner acknowledging (i) the artist has permission to create the mural on the owner's building, (ii) the owner has the responsibility to maintain the mural in accordance with this Chapter, and (iii) the owner is required to provide notice to the artist before taking action that would destroy or damage the mural; and
- (6) the signature of the artist acknowledging (i) the mural is their work, (ii) the mural may be registered and included in a City list of murals, and (iii) the mural may be removed by the City if, following the required notice, it is not maintained by the owner or the artist as required by this Chapter.

An applicant is not required to submit documentation of the proposed content of the mural.

(d) *Standards of Construction; Maintenance.*

- (1) Murals shall be composed of permanent materials and applied only to permanent surfaces. Murals shall not be applied to any fabric or temporary surface, and all materials used must be resistant to the short-term effects of exposure to the elements.
- (2) A Mural shall not face a residential building, unless separated by a major thoroughfare.
- (3) All murals shall be kept in a proper state of repair and preservation. It is a

violation of this section to own, keep or maintain any mural in a dilapidated or deteriorated condition or to permit or allow a mural to be kept in such condition.

- (4) Removal of a mural must be accomplished by physical removal from wall or fence of the paint or other material of which the mural is composed, and/or by covering the mural with paint or other material. In both cases, either by physical removal or covering, the mural must be rendered completely invisible and must maintain the structural and architectural integrity of the structure upon which the mural was applied.
- (5) If the building official determines a mural to be in dilapidated or deteriorated condition, the mural shall be restored or removed by the owner and/or occupant of the structure to which it is applied following ninety (90) days written notice to the artist at their last known address by the building official.
- (6) A mural which is kept or maintained or allowed to remain in a dilapidated or deteriorated condition is hereby declared to be a nuisance and, upon the failure of the owner and/or occupant of the premises on which the mural is located to repair or remove the mural following the notices required by section 5, the city may cause the removal of the mural. The owner and/or occupant shall pay all expenses incurred by the city incident to such removal. In the event of the failure of the owner and/or occupant to remit to the city the expenses incurred in the abatement of the nuisance, a lien may be placed on and against the property on which the mural is removed. Such lien shall bear interest at the rate of ten percent (10%) per annum and shall be a first and prior lien, second only to liens for taxes and paving assessments.”

Section 2. **Penalty.** Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense. This penalty shall be in addition to any other remedy provided at law or equity.

Section 3. **Repeal.** This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 4. **Publication and Effective Date.** This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 5. **Severability.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the

City Council of the City of West Columbia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this the 14th day of May, 2018.

APPROVED:


Laurie Kincannon
Mayor

ATTEST:


Kelli Kuban
City Secretary