

ORDINANCE NO. DRAFT 6/19/2018

This Ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code – to establish definitions for murals, modify the definition for signs, and implement the Los Angeles County Mural Program.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. 22.14.130 in Division 2 is hereby amended to read as follows:

22.14.130 – M.

...

Motel. A lodging establishment containing a group of attached or detached buildings containing guest rooms and offering temporary overnight visitor accommodations with a maximum rental period of 30 days. Access to some or all guest rooms is from a walkway open to the outside. This term includes “auto court,” “motor lodge,” and “tourist court.”

Mural. An original one-of-a-kind image that contains only a non-commercial message, as defined in Section 22.14.140, that is painted or applied to the exterior wall of a building or structure, and that does not contain changeable or moveable elements or changeable illumination, including flashing or sequential lighting, or any other elements prohibited by Section 22.114.040 (Prohibited Signs Designated).

...

SECTION 2. Section 22.14.140 in Division 2 is hereby amended to read as follows:

22.14.140 – N.

...

Nightclub. A bar, cocktail lounge, or restaurant which provides live entertainment and has an established occupant load of at least 200 people.

Non-commercial message. As used on a mural, a message or image that does not include any branded, registered, or trademarked words, icons, or logos and is not used to advertise a business, a service or a product offered for sale, or to create a revenue stream as a result of its visible placement to the public.

...

SECTION 3. Section 22.114.030 in Division 6 is hereby amended to read as follows:

22.114.030 – Exemptions

The provisions of this Title 22 regulating signs shall not apply to the following signs except as otherwise indicated herein:

- A. Official notices issued by any court, public body or public officer;
- B. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice;
- C. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction;
- D. Official signs used for emergency purposes only;
- E. Permanent memorial or historical signs, plaques or markers;
- F. Public utility signs, provided such signs do not exceed three square feet in area.

G. Murals, as defined in Section 22.14.130 (M), and in compliance with Chapter 22.128 (Los Angeles County Mural Ordinance).

SECTION 5. Chapter 22.128 is hereby added to read as follows:

Chapter 22.128 Los Angeles County Mural Ordinance

Sections:

22.128.010 Purpose

22.128.020 Definitions

22.128.030 Eligibility

22.128.040 Application and Review Procedures

22.128.050 Agreement between Artist and Property Owner

22.128.060 Registration

22.128.070 Responsibilities for Maintenance, Repair and Removal

22.128.010 Purpose

The purpose of this Chapter is to provide for opportunities to create or preserve original artwork murals throughout the unincorporated communities of the County, to officially recognize such murals by registering them, and to protect them against vandalism. Murals foster artistic expression, increase community cultural assets, and enhance community character. This Chapter differentiates murals from commercial signage and graffiti, ensures compatibility with the built environment, and protects public safety.

22.128.020 Definitions

Specific terms used in this Chapter are defined in Division 2 (Definitions).

22.128.030 Eligibility

To be eligible for registration, all proposals for new and pre-existing murals shall meet the following criteria:

- A. The mural shall meet the definition listed in Section 22.14.130 (M) in that it contains only original artwork with a non-commercial message;
- B. The mural shall be located on private property that can be viewed by any persons utilizing any public right-of-way.
- C. The mural shall not be located on property containing a single family residence except on a solid fence or wall of a nonhabitable structure, not attached to the residence, that faces and is viewable from the public right-of-way;
- D. The mural shall not display any unlawful act, business, or purpose or contain any obscene matter as described in Section 13.17.010 in Title 13 (Public Peace, Morals and Welfare) of the County Code;
- E. The materials in the proposal shall be limited to paint. Any other materials may be considered and approved on a case-by-case basis by the Arts Commission;
- F. The paint and any other materials approved by the Arts Commission shall be durable, graffiti-resistant, and weather-resistant for a minimum period of two years;
- G. The mural shall not exceed the width or height of the wall of the building;
- H. Elements of the mural shall not project over the public right-of-way;
- I. The mural may include an artist's signature and date, which shall not cover more than twenty-four inches by twenty-four inches of the mural's area, however, this requirement may be modified at the discretion of the Arts Commission;
- J. The mural may include the names of sponsors and/or donors which shall not cover more than twenty-four inches by twenty-four inches of the mural's area, except that

the mural shall not contain any names of sponsors or donors that are for-profit commercial entities;

- K. For pre-existing murals, evidence shall be provided that the mural is graffiti-free and maintained in fair to excellent condition, and meets all other criteria listed in this Section; and
- L. Prior to registration of a mural, evidence shall be provided that the applicant has initiated neighborhood engagement in two ways: 1) mailing of notice to surrounding property owners within a 500-foot radius, or within a 1,000-foot radius in the Fifth Supervisorial District, of the subject property where the mural is located or proposed; and 2) a sign-in sheet from a community outreach meeting held by the applicant within one mile of the subject property where the mural is located or proposed. The radius or distance requirements in this Subsection L may be modified at the discretion of the Arts Commission, provided that notification and community outreach occurred.

22.128.040 Application and Review Procedures

- A. **Mural Program Administration.** The Los Angeles County Arts Commission shall administer the County Mural Program, including the review, outreach and registration process for murals in the unincorporated areas of the County.
- B. **Application Checklist.** The application submittal shall contain all of the materials required by the Mural Registration Checklist.
- C. **Application and Review Procedures.**
 - 1. Application filing and withdrawal shall be in compliance with Section 22.222.070 (Application Filing and Withdrawal).

2. Fees and deposits shall be in compliance with Section 22.222.080 (Fees and Deposits).

D. Agency Referral. After the Department confirms that the mural meets the definition as described in Section 22.14.130 (M) and that the application includes all the required materials and fee payment, the Department shall refer the application:

1. **Los Angeles County Arts Commission.** For all mural applications, to the Arts Commission for review. The Arts Commission shall review the mural application to ensure that the application meets the criteria listed in Section 22.128.030 (Eligibility), and work with the artist of the proposed mural and the sponsoring property owner or the owner's designee through design review to determine that the artwork is an original design and that the applicant conducts neighborhood engagement. After all the criteria has been met, the Arts Commission shall provide the applicant with a form agreement as described in Section 22.128.050 (Agreement between Artist and Property Owner), below.
2. **Department of Public Works.** For a new mural that contains structural elements other than paint that will be attached to the building wall, or if the mural requires the temporary use of a public or County right-of-way, to the Department of Public Works for required permits, as applicable.
3. **Fire Department.** For a mural that contains elements or materials that has been or will be plastered or mounted onto doors, windows, vents, or any other parts of a building which may affect ingress and egress, firefighting operations including ventilation, or addressing of the building, to the Fire Department for

review of the mural plans for compliance with Fire Department's policies and regulations, as applicable.

22.128.050 Agreement between Artist and Property Owner

The property owner and the mural artist shall enter into a signed agreement, of which the County is a third party beneficiary, to ensure compliance with the County's mural guidelines, terms and conditions. The agreement shall be in effect for a minimum period of 24 months from the time the mural is installed, unless an agreement with the mural artist provides for a shorter term, and copies shall be furnished to the Arts Commission. The agreement may be extended another 24 months, with up to a maximum of four extensions.

22.128.060 Registration

- A. For new murals, upon confirmation that the Department of Public Works and Fire Department have issued the required permits, the Department of Regional Planning shall forward the complete application that meets all eligibility criteria listed in Section 22.128.030 (Eligibility) to the Arts Commission for registration. The Arts Commission shall notify the property owner or the owner's designee to proceed with the mural. The property owner or the owner's designee shall notify the Arts Commission upon completion of the artwork and provide photographs. The Arts Commission shall register the mural into the Los Angeles County Mural Registry.
- B. For pre-existing murals, the Department shall forward the complete application that meets all eligibility criteria listed in Section 22.128.030 (Eligibility) to the Arts

Commission for registration. The Arts Commission shall register the mural into the Los Angeles County Mural Registry.

22.128.070 Responsibilities for Maintenance, Repair and Removal

- A. Maintenance.** It shall be the responsibility of the property owner or the owner's designee to ensure that the mural is maintained in good condition, free from graffiti, and free from chipped, peeled, torn or faded paint or materials, for the duration of the term in the agreement. Failure to properly maintain the mural according to the terms of the agreement, including removal of graffiti, will subject the mural to abatement or removal by the Department of Public Works.
- B. Damage and Restoration.** In the event that a mural is damaged, vandalized, removed, altered, or destroyed, including graffiti abatement, the property owner or the owner's designee, in consultation with the mural artist, shall be responsible for restoring the mural to the original condition, at the property owner's expense, within 60 days from the date a notice is sent to the property owner or the owner's designee by the County regarding damage to the mural. In the event the mural is not timely restored, the County may, with notice sent to the property owner or the owner's designee, remove the mural in its entirety.
- C. Removal of Mural.** In the event that a mural requires excessive or unreasonable maintenance or receives significant adverse public reaction, the County may at its discretion, with notice sent to the property owner or the owner's designee, remove the mural in its entirety.