Resources for Including Murals and Other Art Forms in City Codes

The following are resources and information shared with the ALAPA in March 2022 by its members.

One general way to handle them…

Because it is practically impossible to define murals separately from signs, cities allow murals on “wall” easements granted to the city. Because the easements are a kind of public property, the city has ability to approve what goes on them and they also then do not count against sign area.

General Information

Understanding the First Amendment Limitations on Government Regulation of Artwork

<https://www.americanbar.org/groups/state_local_government/publications/state_local_law_news/2016-17/winter/understanding_first_amendment_limitations_government_regulation_artwork/>

ABA 1st Amend artwork

*LINK*

Can Government Regulate Art\_ The Many Nuances of Mural Law\_files 1

*LINK*

Municipal Lawyer de-coding the visual landscape - Mural v signs

<https://media.goldbergsegalla.com/uploads/sto-de-coding%20the%20visual%20landscape-municipal%20sign%20ordinances,%20murals,%20and%20the%20first%20amendment-municipal%20lawyer.pdf>

City of Dothan

Here is what we have in Dothan that seems to work quite well for us. All of our murals are in our downtown and are governed by our Historic Preservation Committee.  We also have a Murals Committee.

**Section 114-211.  Signs Not Needing a Permit.** The following signs may be erected without a sign permit and are not included in the determination of allowable numbers, type, area, illumination of signs, etc.  Nothing in this section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code.  Signs permitted by this section must conform to the standards enumerated and shall not be placed or constructed in a way that creates a hazard of any kind.  Exemption from permitting shall not relieve the owner of the sign from the responsibility for ensuring its erection, placement and maintenance in accordance with all other provisions of this ordinance.  Signs allowed without a permit shall be limited to the following:

1. Any sign required to be maintained or posted by law or governmental order, rule or regulation.
2. Public warning signs which indicate a dangerous or hazardous condition or trespass warning so long as they do not contain logos or text advertising a commercial product or activity.
3. Address numbers complying with Section 114-185 of this chapter.
4. Flags or insignia of any government, religion, association, fraternal order, charitable organization, academic, corporate, sporting or civic organization except when displayed in connection with commercial promotions.  Flags of the United States must be flown in a manner that meets U.S. Congressional protocol (see United States Code, Title 36, Chapter 10).
5. Normal servicing of previously permitted sign structures, including a change of copy for billboards and a panel change in structures designed to allow changeable copy.
6. Memorial signs or tablets, historical markers, name of building signs and dates of erection when cut into any masonry surface or when constructed of bronze or other such durable and noncombustible materials and attached to the surface of the building.
7. Directory signs listing the businesses, tenants, or activities conducted within a building or group of buildings may be erected so long as they do not exceed twenty (20) square feet and are limited to one sign per building.
8. Window signs not exceeding twenty-five percent (25%) of the glass area (pane) to which they are applied.  Window signs shall be included in the total area allowed.
9. Changing the copy, announcement or message on a manual reader board.
10. Cleaning, painting or maintaining a sign that does not otherwise alter the size, or height of the sign.

Murals or other forms of public artwork provided any sponsorship information or logo does not exceed one and one-half (1.5) sq. ft.

City of Tuscaloosa

“Basically, we are GREAT with murals – they just can’t be signs. I know that gets tricky with Reed v. Gilbert (and regulating content), but we love a mural (and wish we had more!). The murals we’ve seen have been through a partnership with the Arts Council. As long as the mural isn’t advertising something occurring inside the building, we call it art.” Feel free to visit the Arts Council website at <https://www.tuscarts.org/>

City of Hartselle

“The mural discussion usually comes up in relation to buildings in the downtown area (although no one has actually done one so far).  In that district, the city’s downtown design review board has to approve paint schemes, and murals are considered to be such.   If there is a message included in the mural, the area of that message is regulated by the size standards of the sign ordinance, but an artistic design can be full-wall, assuming it is approved by the design review board. Outside of that district, there would be no design review requirement, but any messages incorporated would still have to meet with the sign ordinance on size/location (and not include profanity, etc, which is about as far as we go these days on content regulation).”

Florida

There are many cities in Florida that allow and regulate murals. Check out the Miami area and City of Punta Gorda. You could do a Google search with “mural and Florida” and may find more cities.