



Memo

TO: Chair, Committee of the Whole

SUBJECT: Mural Approval Policy

DATE: November 8, 2024

FROM: Chief Administrative Officer

BACKGROUND

Council had invited the Cowichan Lake Arts and Culture Society to provide input on the drafting of a policy on murals which the latter did (see written input attached). The draft was presented to the Advisory Planning Commission. However, the Commission thought it was a matter that fell under the purview of council.

Policy draft

The draft mural policy that is attached is completely based on existing policies in other municipal jurisdictions and on the written guidance provided by the Cowichan Lake Arts and Culture Society.

RECOMMENDATION

that Council recommend approval of the draft mural approval policy, if it is keen to permit murals within its jurisdiction.

Joseph A. Fernandez



TOWN OF LAKE COWICHAN

COUNCIL POLICY

DATE APPROVED:

APPROVED BY: Resolution No.

SUBJECT: Mural Approval Policy

Objectives

The Town of Lake Cowichan is committed to creating a vibrant community by providing an opportunity for high-quality public art to be created for the enjoyment and enrichment of its citizens and visitors. This policy is meant to establish criteria and procedures for the approval of murals.

The objectives of this policy are:

- To provide uniform procedures for the review and approval of murals in the Town of Lake Cowichan;
- To maintain high artistic standards in any works of art displayed at the Town;
- To facilitate and ensure tasteful art displays of murals in the Town; and
- To ensure the proper and perpetual maintenance of murals.

Definition

Mural means a painted, tiled, digitally printed, or any other type of graphic arts image applied or attached directly to the exterior wall of a building or fence for the purposes of decoration or artistic expression that does not contain any commercial message including, advertising symbols, trademarks, brand name, logo, or other references to the property, products or services provided on the premises whether by spelling, abbreviating, depiction, or otherwise.

Anything installed on the exterior of a building that does not meet this definition is deemed to be a sign and must comply with the terms of the sign by-law and if the sign is not consistent with that bylaw it must be promptly removed.

No mural shall contain:

- curse or defamatory words; or
- demeaning references to individuals; or
- inappropriate references to religion, ethnicity or gender identity.



Mural Application Procedure

No mural work may be commended unless a Mural Permit Application by the owner, or their agent, is approved.

Application Requirements: The Mural Permit Application shall contain, but not be limited to, the following information:

1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
2. Pictures of the building elevations.
3. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
4. A colored drawing of the proposed mural.
5. Mural art must be done by a qualified professional artist.
6. A description of the proposed maintenance schedule that includes the timeframe for the life of the mural and method for removal, if applicable.
7. If the owner of the building or structure on which the mural is placed is not the occupant of such building or structure, the person who leases or otherwise has been given the right to occupy such building or structure shall provide the signed approval of the owner to place the mural on the building or structure. Such lessee or other person with the right of occupancy shall provide a copy of the letter with the Mural Permit Application.
8. Durable, graffiti, weather resistant, ultra-violet proof materials must be used
9. The Fee for a Mural Permit Application shall be as established by the Town.
10. A mural that is produced off-site and affixed in a structurally sound and workmanlike manner on the exterior wall and that if larger than 20 square meters shall require a building permit.
11. No mural shall obstruct any window, door or safety feature of the exterior wall on which the mural is placed, nor any sidewalk or boulevard.
12. Review and approval of mural design and location by either a mural committee appointed by council and/or the Contract Planner.
13. No project may proceed without the application receiving "Preliminary Approval".
14. When the mural installation has been completed it will be inspected by the Building Inspector or the Planner.
15. If the finished mural is consistent with what has been approved, the application will receive "Final Approval".

Chief Administrative Officer

Thank you for inviting the Cowichan lake Arts and Culture Society to be a part of the process outlining mural installations in the Town of Lake Cowichan.

Murals can enhance the overall look of a community, engender a pride of place and bring the community together.

Objective for Mural Policy

1. Create implementable and effective guidelines for the town
- 2 Keep the language simple
3. Not increase the workload of town employees and councillors
- 4 Create a process that keeps the town office informed
- 5 Keep the creative aspect open

Process:

A person/group that wishes to enhance the outside of a building with a mural needs to:

1. Get written permission from the owner of the building which states
 - a) the start date of the mural installation
 - b)the expected completion date
 - c) whether the mural will be painted directly on the building or on panels mounted on the building (where things such as drain pipes exist on the selected wall it is suggested that the mural be on removable panels to allow for the safe inspection and updating of any utilities at the site).
 - d) that the owner (if different from the applicant) will not be responsible for the maintenance
 - e) where the mural is painted directly on the building and agreement that the mural becomes an integral part of the building and cannot be removed or painted over
 - f) a rough design or description of what the mural will feature
 - g) where the mural is on removable panels, it must be stated whether the originator plans on leaving the mural in place when they are no longer renting or that they agree to undertake the removal and relocation at their expense.
2. Maintenance agreement
 - a)person who is responsible for the maintenance of the mural
 - b) agreement that if the maintenance is not completed in a timely fashion, that the town can then repair as needed and bill the person responsible and they undertake to pay that amount (which shall be on a cost recover basis)
 - c) and have funds set aside for the future maintenance of the mural in case the creator no longer is resident, cannot function in a manner to do the maintenance (such as a disbanded company) or for any reason is no longer in a position to undertake the maintenance.
3. A copy of these documents needs to be filed with the town office and a fee of \$20 paid to cover processing costs.

A mural is a decorative element added to the outside of a building that DOES NOT contain any advertising or company name. Anything painted on the outside of a building that contains a company name or promotion of a company (whether resident of the building or not) is deemed to be a sign and must be guided by the sign by-law.

No mural shall contain:

- any words considered curse or defamatory words
- any negative 'statements' about people based on abilities, race, religion or job.

any image pertaining to an event which would cause it to be time sensitive due to times, dates or other such information

All murals will be required to have both anti graffiti and UV prevention coatings.

With a small processing fee there is no need to exempt non-profit organizations . the rules should apply equally to everyone. This keeps it simple. considering a mural can cost upwards of \$15000.00, having a \$20 fee should not be a deterrent.

not sure how it can be done but there should be a way for the town to be able to remove/repaint non-compliant installations. Perhaps declaring them graffiti if they are non-compliant?

Loretta Puckrin, President
Arts Centre
Cowichan Lake Arts and Culture Society