

STATE OF GEORGIA
CITY OF HAPEVILLE

ORDINANCE NO. 2014-07

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HAPEVILLE, GEORGIA BY AMENDING ARTICLE 3.3 OF CHAPTER 93 (ZONING); TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, a public hearing was held by the Mayor and Council of the City of Hapeville, Georgia;

WHEREAS, the Mayor and Council of the City of Hapeville find that this Ordinance is in the best interest of the citizens of Hapeville, Georgia; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Hapeville, Georgia that:

Section 1.

The Code of Ordinances of the City of Hapeville is hereby amended by amending the title of Article 3.3 of Chapter 93 from “Article 3.3 – Signs” to “Article 3.3 – Signs and Murals.”

Section 2.

The Code of Ordinances of the City of Hapeville is hereby amended by amending Article 3.3 of Chapter 93 to add the title “DIVISION 1 – Signs” and for current code sections 93-3.3-1 through 93-3.3-26 to be codified under the title “DIVISION 1 – Signs.”

Section 3.

The Code of Ordinances of the City of Hapeville is hereby amended by amending Article 3.3 of Chapter 93 to add “DIVISION 2 – Murals” to read as follows:

“Article 3.3 – Signs and Murals.

...

DIVISION 2 – Murals

Sec. 93-3.3-27. – Statement of Purpose and Intent.

A mural is a work of art painted otherwise directly applied on a building or wall. The purpose of

this division is to recognize the following mural types: (1) Historic Murals; (2) Original Art Murals; and (3) Limited Message Murals. All other similar forms of outdoor visual art that do not meet the definitions of these three forms of murals set forth herein shall be regulated as wall signs under division 1 of this chapter pertaining to signs.

Sec. 93-3.3-28. – Historic Murals.

Historic Murals are original works of visual art or signs produced by hand that were tiled, painted directly on or affixed directly to a wall or building prior to the date of adoption of this division. Murals that re-create a historic image bearing a relationship to a historic Hapeville theme established after the date of adoption of this division also constitute Historic Murals. Original Historic Murals and re-creations of historic images are deemed to comply with this Code.

Sec. 93-3.3-29. – Original Art Murals.

Original Art Murals are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a wall or building. This section is intended to allow and encourage content neutral Original Art Murals. Original Art Murals may be mechanically produced or computer generated prints or images, but shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image. Original Art Murals cannot contain text, graphics, or symbols that advertise or promote a business, product, or service; or promote a political candidate or party.

(a) Standards for Original Art Murals.

Original Art Murals shall comply with the following standards:

- (1) Original Art Murals shall not contain a commercial or non-commercial message.
- (2) The mural shall remain in place, without alteration, a minimum of five years. The applicant shall attest to this standard on the permit application.
- (3) No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
- (4) No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed.
- (5) Only oil based alkyd enamel or polyurethane enamel, or newer 100% acrylic exterior paints shall be used to create murals.
- (6) Murals executed using spray paint shall be limited to air brushing to ensure that high quality paint is used.
- (7) An appropriate clear sealer or a suitable varnish or topcoat shall be applied to the finished mural. Graffiti resistant sealers should be chosen.

(b) Prohibited Original Art Murals.

The following forms of Original Art Murals shall be prohibited:

- (1) Any mural that contains an element that moves, rotates, or otherwise creates a changing image or message.

- (2) Any mural that uses flashing or scrolling lights, an internal light source, or other light feature.
- (3) Any mural containing electrical or mechanical components.
- (4) Any mural that is applied to a surface as a vinyl or other non-permanent material.

Sec. 93-3.3-30. – Limited Message Murals.

Limited Message Murals are murals that are painted on or applied to and made integral with a building wall or free-standing wall that contain a graphic or written message.

(a) Standards for Limited Message Murals.

Limited Message Murals shall comply with the following standards:

- (1) Limited Message Murals may contain a graphic or written message not exceeding 50 percent of the width of the building or tenant façade, provided that no such graphic or written message shall have an area exceeding 10 percent of the building or tenant façade area as measured at the exterior dimension of the graphic or written message and framing.
- (2) The mural shall remain in place, without alteration, a minimum of five years. The applicant shall attest to this standard on the permit application.
- (3) No part of any mural shall extend beyond the building wall or freestanding wall on which it is tiled, painted, or affixed.
- (4) No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted, or affixed.
- (5) Only oil based alkyd enamel or polyurethane enamel, or newer 100% acrylic exterior paints shall be used to create murals.
- (6) Murals executed using spray paint shall be limited to air brushing to ensure that high quality paint is used.
- (7) An appropriate clear sealer or a suitable varnish or topcoat shall be applied to the finished mural. Graffiti resistant sealers should be chosen.

(b) Prohibited Limited Message Murals.

The following forms of Limited Message Murals shall be prohibited:

- (1) Any mural that contains an element that moves, rotates, or otherwise creates a changing image or message.
- (2) Any mural that uses flashing or scrolling lights, an internal light source, or other light feature.
- (3) Any mural containing electrical or mechanical components.
- (4) Any mural that is applied to a surface as a vinyl or other non-permanent material.

Sec. 93-3.3-31 – Mural Permitting Process.

This section establishes administrative permitting procedures to allow re-creation, preservation, and maintenance of Historic Murals, and creation of Original Art Murals and Limited Message Murals. The procedures set forth herein establish standards for review and approval of applications for new murals or those proposed for repainting or other maintenance to ensure the appropriateness of the mural with the context and compliance with this division. Administrative

permits for such applications shall encompass review and approval by the Design Review Committee relative to the following standards; compliance with all other aspects of this Code shall be subject to application of the Code by the City Planner.

(a) Standards to be Used to Process Mural Applications.

(1) The Design Review Committee shall consider the size, scale, and relationship of a mural to the historic context in the case of Historic Murals. Original Art Murals and Limited Message Murals may or may not bear any relationship to the Hapeville context. The content of a mural shall not be the focus of review.

(2) Repainting of historic advertising shall be guided by exacting documentation concerning the mural.

(3) A permanent plan for maintenance and exact repainting according to the plan of the original artist shall be submitted with the application. The exact matching of color and application technique shall be specified in the plan.

(4) Any mural proposed must be on a wall surface that will not mar a key historic feature and will be compatible with the streetscape. The image of any faded advertising murals shall be stabilized using appropriate preservation techniques and shall remain otherwise unchanged.

(5) The standards of this division applicable to each mural type shall be considered.

Section 4.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5.

All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 6.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

Section 7.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hapeville.

Section 8.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Hapeville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Public Hearing: June 17, 2014, July 15, 2014, August 5, 2014

First Reading: August 5, 2014 (as amended)

Adoption: _____

This Ordinance having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this ____ day of _____, 2014.

CITY OF HAPEVILLE, GEORGIA

ATTEST:

Alan Hallman, Mayor

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Paul R. Koster, City Attorney