



ORDINANCE NO. 3744

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING CHAPTER 22 "BUILDINGS AND BUILDING REGULATIONS," BY RETITLING AND AMENDING ARTICLE I TO PROVIDE REGULATIONS FOR MURALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the city of Farmers Branch, Texas, be, and the same is hereby amended by amending Chapter 22 "Buildings and Building Regulations," by retitling and amending Article I, to read as follows:

"ARTICLE I. - MURALS

Sec. 22-1. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alter shall mean 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 shall mean: (i) where any part of the mural is chipped, flaked, faded, broken, damaged, defective, missing, bent, cracked, splintered, or twisted; and (ii) where any part of the mural or the exterior wall on which the mural is located is not in compliance with the requirements of the Farmers Branch Building Code, as amended.

Director shall mean the director of Community Services or the city director or employee designated by the city manager to administer and enforce this article.

Mural shall mean painted graphics that are murals, mosaics, or any type of graphic arts that are painted on an exterior wall of a non-residential building and do not contain a logo, advertising symbols, lettering, trademarks, business name, or other written references to the business on the premises, products or services that are provided within or at the premises where the mural is being painted, and has been registered with the city in accordance with this article.

Primary facade of a building shall mean elevation of a building that faces the adjacent street right-of-way and contains the door or other entrance that serves as the primary customer entrance to the building.

Registration shall mean the registration of a mural as set forth in this article.

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

Sec. 22-2. - Registration.

- a) A mural must be registered with the city pursuant to this article prior to installation to be exempt from regulation as a sign pursuant to Chapter 62 of this Code.
- b) A mural may be registered pursuant to this article by the building owner and the artist by submitting a registration application form provided by the city accompanied by a non-refundable registration fee of \$10.00 or such fee as may be set forth in Appendix A Fee Schedule of this Code for each mural, which application shall contain and include the following:
 - i. Name and address of the building on which the mural will be installed;
 - ii. Name, address, and contact information of the building owner providing the written consent to the artist for the installation of the mural;
 - iii. Name, address, and contact information of the artist who will be creating the mural;
 - iv. Notarized written consent of the building owner that the named artist has the consent of the building owner to create and install the mural on the owner's building;
 - v. Notarized written statement of the artist acknowledging that the mural is such person's work, that the mural may be registered with the city and included in a city and that the mural may be removed by the city following notice thereof, if the mural is in violation of this article;
 - vi. Site plan showing the lot on which the mural is to be located and the building dimensions;
 - vii. Photos of the building elevations on which the mural is to be located;
 - viii. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural; and
 - ix. A description of the proposed maintenance schedule for the mural that includes the timeframe for the useful life for the mural and method for removal.
- c) The director shall administer and enforce this article.

- d) The director shall issue the registration for which a completed application for a mural meeting the requirements of this article has been submitted, and for which the non-refundable registration fee has been paid. The registration should be accepted not later than ten (10) days after submittal of a completed application. An incomplete application for registration may be denied.
- e) Murals existing as of May 3, 2022 shall be exempt from this article.

Sec. 22-3. - Prohibited Murals.

- a) The following are prohibited:
 - i. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic, or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
 - ii. Murals affixed, applied, or mounted above, upon or suspended from any part of the roof of a structure.
 - iii. Murals shall not project from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.
 - iv. Murals containing any gang affiliation symbols.
 - v. Murals containing any commercial messages or advertising.
- b) It shall be unlawful for any person to install, display, or maintain a mural prohibited by this section or which is otherwise not in compliance with this article. It is unlawful for any person to display, install or maintain a mural that has not been registered as provided in this article.

Sec. 22-4. - Mural Location.

- a) Murals shall be permitted on any non-residential building in the city lawfully occupied by any non-residential use.
- b) Murals shall not be permitted on any residential building except on a multi-family building and associated structures, such as a parking garage.
- c) Murals are not permitted on the primary facade of a building.

Sec. 22-5. - Maintenance.

- a) A mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the director.

- b) The display surface of a mural shall be kept clean and neatly painted and free from corrosion.
- c) Any mural that is not properly maintained or which is faded or in a state of disrepair, dilapidated or in a deteriorated condition shall be repaired, removed, restored, or covered with opaque paint, similar to the primary building materials/colors or other appropriate material approved by the city, by the building owner within ten (10) business days after receipt of written notice thereof from the director."

SECTION 2. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the city of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed or the application was submitted, as applicable, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such cases provides.


DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 3RD DAY OF MAY, 2022.

APPROVED:



Robert C. Dye, Mayor

ATTEST:



Amy M. Piukana, city Secretary

APPROVED AS TO FORM:


Peter G. Smith Attorney
(PGS 4-26-22 TM 129274)