

CITY OF MIDDLETOWN
ORDINANCE NO. 03-14-19-B, SERIES 2019
AN ORDINANCE AMENDING CHAPTER 152 OF THE CITY
ORDINANCE REGARDING SIGN REGULATIONS

WHEREAS, The City of Middletown Commission has received several inquiries asking whether private business owners are required to obtain a sign permit in order to place murals on their buildings,

AND WHEREAS, The City desires to add to its sign ordinance, Chapter 152, reasonable, objective criteria to determine when a mural is a sign (regulated by the City sign permit ordinance), or when the mural is "art", which is not so regulated,

NOW, THEREFORE, BE IT ORDAINED by the City of Middletown:

SECTION 1. Section 152.80 regarding Public Art will be added as follows:

152.80 The City of Middletown exempts "Public Art", which includes all mediums, such as sculpture, murals or painting, film, light, or other forms of creative expression, from the requirements of Chapter 152, provided that that the depictions are indeed works of art and not signs. In order to determine whether a particular item is "art" the following criteria shall be used:

A. Public Art:

1. Public art is any form of creative expression, that does not contain a commercial or advertising content and is not a display to public view of letters, devices, structures, fixtures, displays, emblems, placards, or any part of combinations thereof designed to direct, announce or inform the public about businesses and organizations. Commercial logos, depictions of goods of services sold, or any elements of commercial advertising for a business or organization are not allowed in public art. This includes any recognizable figure, product, person or items that directly and recognizably advertise goods or services, including, but not limited to trademarks, mascots, or spokespersons.
2. Any person wanting to install a work which they consider public art must first submit a rendering of the work to the City of Middletown. The City Commission will docket the matter for its next regular meeting, for the sole purpose of determining (based upon the foregoing criteria), if the work meets the definition of public art. If the City Commission determines the work is public art, no further review or regulation shall apply. If the City Commission determines the work is not public art and is instead a sign, the applicant must comply with the City's sign regulation, Chapter 152.

B. Design Recommendations: The City of Middletown recommends to those wishing to install public art on private property the following design recommendations:

- a. Demonstrate Middletown's values of community and creativity, public art should foster a message of bringing people together,
- b. Stimulate economic growth and investment,
- c. Encourage public education and cultural literacy,
- d. Contribute or celebrate Middletown and the region's identity,
- e. Bridge cultural and social barriers,
- f. Provide community cohesion,
- g. Energize publicly viewed spaces in the city,

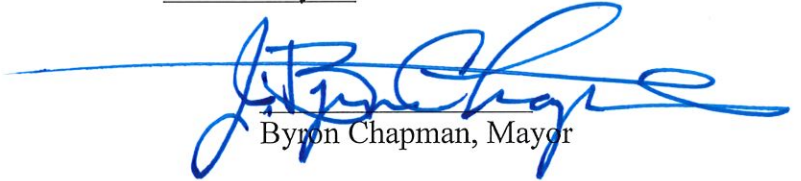
- h. Enhance new and existing development,
- i. Provide local opportunities for talented regional, national and international artists,
- j. Contribute to Middletown and the region as a tourist destination,
- k. Leave a legacy for the future, and
- l. Create a positive impact.

SECTION 2. That this ordinance shall take effect and be in force from and after its date of passage, approval and publication as required by law.

First Reading: 3-14-19

Second Reading: 4-11-19

Passed and Approved: 4-11-19


Byron Chapman, Mayor

Attest:


Deborah Columbia, City Clerk

Those in Favor: 5
Those Opposed: 0