

TOWNSHIP OF MAPLE SHADE

Ordinance 2024-06

AN ORDINANCE AMENDING THE MAPLE SHADE TOWNSHIP CODE TO ADD CHAPTER 126 “MURALS AND PUBLIC ART”

WHEREAS, the Township Council, in its continuing efforts to strengthen and enhance the business community in the Township, have noted that murals can provide an enhancement to the community and the quality of neighborhoods within the Township, provided that they do not cause distraction to motor vehicle operators and are consistent with the character of the neighborhood; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Maple Shade, County of Burlington as follows:

Section 1. The Township Code is hereby amended to add Chapter 126 “Murals and Public Art” as follows:

CHAPTER 126 Murals and Public Art

§ 126-1 Findings and Purpose.

To regulate murals and public art installations within the Township of Maple Shade visible from the public right of way or from adjacent properties in a manner which ensures that such murals and art installations are appropriate for their respective uses and surrounding environment, and protective of public health, safety, and general welfare.

§ 126-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALTERATION

Any change or rearrangement that enlarges or diminishes the work, or a change in location, excluding normal repairs and maintenance.

COMMERCIAL MESSAGE

A message or symbol that advertises a business conducted, services rendered, or goods produced or sold.

COMMISSION

The Maple Shade Business and Economic Development Commission.

MURAL

A hand-produced work of visual art that is tiled, digitally printed, and mounted directly to an exterior wall, a vinyl applique or painted by hand directly to an exterior wall of a building. This includes any inscription, painting, illustration, artwork, figure, urban wall art, marking

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or design that is marked, etched, scratched, drawn, or painted on any property wall or independent structure within the Township of Maple Shade. However, a mural should not include:

- A. Any such painting or illustration requiring a separate foundation or footing;
- B. Any depiction or contents of a commercial, trademarked, copyrighted, or other licensed feature;
- C. Any message or advertisement for any individual, group, or entity (whether or not commercial); or
- D. Any subjects or material of a scandalous, libelous, or indecent nature as determined by contemporary community standards.

PUBLIC ART

All forms of visual art that do not contain any commercial message that are located within the Township right-of-way or on public land or on private property visible from a sidewalk, street or other right-of-way within the Township of Maple Shade and which meets the requirements within this chapter.

§ 126-3 Mural and Public Art Permit Process

A. Application for a mural or public art permit shall be made to the Director of Business & Economic Development on forms provided for that purpose.

B. The application shall include, but not be limited to, the required fee and all information required on the application and attendant forms.

C. The application shall be accompanied by:

(1) Photographs of the subject property and surrounding buildings.

(2) Drawings showing the dimensions, construction, supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials, and loading shall conform to the requirements of the Building Code, as amended. If required by the Director of Community Development, engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

(3) Clear and legible scaled drawings with a description definitely showing location of the mural which is the subject of the permit and all other existing artwork whose construction requires permits when such artworks are on the same premises.

(4) Project description, including purpose. Detailed information regarding material to be used to apply or install the mural or public art installation, and any specialized equipment necessary for the project.

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- (5) Approval letter from the property owner.
- (6) Maintenance plan which specifies the frequency of maintenance, provisions to address fading or vandalism, and general maintenance for the life of the mural or public art installation. Also include a plan for the restoration of the surface substrate at its conclusion.
- (7) Hold harmless agreement with the Township of Maple Shade
- (8) Report from the Police Department (Traffic Division) to ensure pedestrian, driver, and traffic safety at the site.
- (9) An application fee of \$150. Only one mural or artwork can be submitted with each application.

§ 126-4 Review and Approval.

A. Upon the filing of an application, the Director of Business and Economic Development shall cause the application to be forwarded to :1) the Director of Community Development to review for potential zoning and planning issues; and 2) the Business and Economic Development Commission for review and consideration. Upon receipt of the application, the Business and Economic Development Commission shall schedule a public hearing. The Business and Economic Development Commission shall advise the applicant, in writing, at least 14 days prior to the hearing, of the date, time and place of said hearing, and shall ensure that a notice of the hearing is placed in the official newspaper of the Township at least seven, but not more than 14, days prior to the hearing.

B. At the hearing, the Commission shall allow the applicant to be heard as well as any interested parties who wish to address the proposed application. The Business and Economic Development Commission shall consider the application in light of the proposed installation's compatibility with the neighborhood in which it is to be located; its size in relation to surrounding features; whether it is likely to cause a distraction or hazard to pedestrian or vehicular traffic (including any report from the Police Department (Traffic Division) to ensure pedestrian, driver, and traffic safety at the site; its compliance with the definitional provisions of this chapter; its compliance with the design guidelines adopted by the Commission, and its overall aesthetic impact on the neighborhood. The Commission shall also consider the significance of the proposed project's location, the artist's ability to complete the project in a timely manner, and the ability and willingness of the property owner to maintain the installation. The Commission may reject any application that is deemed to not be in the best interests of the community for failure to its failure to enhance the residents' quality of life and the Township's commitment to a clean, safe, healthy, and diverse community.

C. In considering the application, the Commission may, in its discretion, seek the opinions of professionals familiar with the subject or field involved, including but not limited to historians, artists, sculptors or similar professionals.

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(d) In addition to above review, the Commission shall confirm that the proposed mural complies with the following:

- (1) No more than two square feet of the mural may contain the name of the artist, sponsor and/or product likeness.
- (2) Murals may not be mere extensions or enlargements of an existing sign.
- (3) Murals shall become the property of the property owner following construction.

§ 126-5 Issuance of Permit; Conditions; Expiration.

A. Final action on the application shall be made by way of a vote of the Business and Economic Development Commission to recommend issuance or denial of the permit the proposed installation, which decision shall be rendered within 45 days of the submission of a complete application, unless this time frame is extended by consent of the applicant. An approval may be subject to any reasonable conditions deemed appropriate by the Commission.

B. Upon receipt of the recommendation of the Business and Economic Development Commission, the Director of Business and Economic Development shall promptly issue the permit with an outline of all required conditions. Permits shall expire 180 days after the date of issuance. Any approved project not installed within the 180-day time frame shall be required to reapply and obtain a new permit.

§ 126-6 Applicability of Construction and Land Use Regulations

Nothing in this article shall be interpreted as a waiver, replacement, or substitute for any installation that requires a construction code or land use approval under applicable provisions of any statute, ordinance, rule or regulation. Applicant shall be responsible for obtaining all necessary land use approvals and construction permits prior to installation of the mural.

§ 126-7 Maintenance.

A. Maintenance of the public art or mural shall be the responsibility of the property owner on whose premises the installation is located. However, business owners, artists, sponsors, and other interested parties may reach private arrangements regarding maintenance. A copy of said arrangement must be forwarded to the Director of Business and Economic Development for recordkeeping and to address any future concerns. The arrangement must contain contact and current contact information for the parties to the agreement.

B. All installations shall be maintained by the owner in good condition free from chips, stains, graffiti, defacing, fading paint, and the like. Failure to properly maintain an installation shall subject the property owner to the penalties of this article.

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§ 126-8 Enforcement; Violations and Penalties.

Violations of the provisions of this article shall subject the owner and/or violator to a fine as specified in Chapter 152 of the Township code (relating to Exterior Property Maintenance). Each day that such a violation continues shall be considered a separate offense.

Introduction: March 14, 2024

Comments: none

| COUNCIL | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|----------|--------|--------|------|------|---------|--------|
| Kauffman | | x | x | | | |
| Nunes | | | x | | | |
| Volpe | x | | x | | | |
| Wiest | | | x | | | |
| Schmidt | | | x | | | |

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on March 28, 2024

Andrea T. McVeigh, RMC

Adopted: March 28, 2024

comments: none

| COUNCIL | MOTION | SECOND | AYES | NAYS | ABSTAIN | ABSENT |
|----------|--------|--------|------|------|---------|--------|
| Kauffman | | | x | | | |
| Nunes | x | | x | | | |
| Volpe | | x | x | | | |
| Wiest | | | x | | | |
| Schmidt | | | x | | | |