

LEGAL NOTICE
PUBLIC HEARING

City of Oneida

PLEASE TAKE NOTICE that a **PUBLIC HEARING** will be held at 6:30 pm on Tuesday, January 21, 2025, in Common Council Chambers, 109 N. Main Street, Oneida, NY on a proposed Local Law to create a new Chapter 96, titled “Murals,” in the Oneida City Code.

PLEASE TAKE FURTHER NOTICE that the complete text of the Proposed Local Law may be viewed on the City’s website www.oneidacityny.gov under Legal Notices and in the City Clerk’s lobby.

PLEASE TAKE FURTHER NOTICE that any or all persons opposing said proposed Local Law may file a written notice thereto, with the City Clerk before such hearing or attend said hearing at the time and place specified.

PLEASE TAKE FURTHER NOTICE that any persons with special needs should contact the City Clerk one week prior to the hearing.

City of Oneida
Proposed Local Law
A LOCAL LAW CREATING A NEW CHAPTER 96, TITLED “MURALS,”
IN THE CITY OF ONEIDA CODE

Be it enacted by the Common Council of the City of Oneida, as follows:

SECTION 1.

So that a new Chapter 96, titled “Murals,” shall be added to the Oneida City Code, which shall read, in its entirety, as follows:

§96-1 Purpose.

The City of Oneida recognizes the aesthetic value of murals in the community. Artists, property owners and community residents are encouraged to work together in the creation of public art murals to beautify the environment and promote community pride. Any group or individual that wishes to paint or create a mural must obtain permission from the property owner, whether it is a private individual or public agency. Painting murals on public or private property without permission of the property owner is illegal and punishable by law. The City does not condone any type of illegal graffiti or art, irrespective of artistic content.

§96-2 Definitions.

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

MURAL - A painting, mosaic, fresco, or other permanent artwork attached or applied directly to the outside of a structure. It is usually a graphic display that covers all or a portion of a wall and depicts a scene or event of natural, social, cultural or historic significance.

§96-3 General guidelines.

- A. These guidelines provide anyone who wants to install a mural with a reasonable process that safeguards both the interests of the community and those of the individual building/property owner. The guidelines are designed to assure that murals within the City of Oneida enhance the community's appearance without confusing drivers and/or pedestrians or causing any other negative impact on public safety or welfare.
- B. In reviewing a proposal for a mural, the following criteria shall be considered:
 - 1. Location, with consideration of safety issues, maintenance, and building geometry.
 - 2. Number of murals within close proximity.
 - 3. Size, with consideration of the local streetscape.

§96-4 Detailed guidelines and criteria.

In addition to the general guidelines above, the Planning Commission/ Zoning Board of Appeals shall evaluate mural proposals based on the following:

- A. Design.
 - 1. Relevance of the piece to the building or City, its values, culture, and people. Murals within the City of Oneida should be based on one or more of the following themes: natural beauty; history of the City; school pride; or other relevant themes.
 - 2. Prohibitions.
 - a. Murals shall not be allowed in any residential zoning district.
 - b. Murals with moving parts.
 - c. Murals affixed, applied, or mounted above, upon or suspended from any part of the roof of a structure.
 - d. Murals that project away from a wall surface.
- B. Suitability of the work for outdoor display, including its maintenance and conservation requirements.
- C. Relationship of the work to the site and the community, especially how it serves to activate or enhance public space.
- D. Appropriateness of the scale of the artwork.
- E. Site selection considerations.
 - 1. Is the site visible and accessible to the public?
 - 2. Does the mural enhance the site where it is located?
 - 3. Does the mural enhance the overall public environment?
 - 4. The mural should not obscure windows or entranceways nor disrupt normal pedestrian

circulation.

5. The mural should not disrupt the site's landscaping and maintenance requirements.
6. The mural should not be so large as to overwhelm adjacent architecture or become a visual distraction.
7. The mural should not detract from its surroundings nor create blind spots where illegal activity can take place.

F. Construction and maintenance.

1. Murals shall be well designed and incorporate high-quality materials that enhance the overall appearance of the site and do not adversely affect the safe and efficient movement of vehicles and pedestrians. Materials may include paint or other media appropriate for exterior use, such as tile or mosaic. Materials shall be long-lasting and graffiti-resistant to the greatest extent possible.
2. Colors, though vibrant, should be complementary and harmonious with the exterior colors of the building structure, as well as consistent with the chosen theme. Neon, fluorescent, or reflective-type colors or materials are discouraged.
3. The mural shall be designed and supervised by a qualified artist/muralist, one with sufficient knowledge and experience with the application of mural materials.
4. Mural size shall be determined by the wall surface to be covered. Smaller walls may be completely covered. On large walls, murals should be large enough to dominate the wall surface but not so large as to overwhelm the local streetscape. Generally, one mural shall be permitted per structure.
5. Where the number of signs or a maximum square footage for signage applies to a particular location, a mural shall not count as a sign nor figure into the allowable square footage for signage.
6. The proposed mural, by its design, construction, and location, shall not obscure or detract from the significant architectural features of the building structure, nor should the building's architecture be altered to accommodate the mural.
7. The proposed mural, by its design, construction, and location, shall not have an adverse impact on adjacent properties or permitted uses. If the mural requires special lighting or other related construction, all applicable permits shall be required as part of installation. No flashing or moving lighting is permitted. No internal illumination is allowed.
8. Routine maintenance of an artwork becomes the responsibility of the building owner and/or sponsoring group where the artwork is located. As part of the contractual requirements, the artist should develop a maintenance program in cooperation with the building owner or manager for the proper long-term care of the artwork.
9. If, for whatever reason, the mural falls into disrepair, the building owner shall be notified, in writing, and required to make necessary repairs within 120 days. If the repairs are not made within the specified time, the City reserves the right to repair the mural at the owner's expense, remove the mural at the owner's expense, or cover the mural with opaque paint at the owner's expense.
10. If property ownership is transferred, all obligations for mural construction, maintenance and repair shall be assumed by the property owner.

G. Application review and approval process.

1. An applicant desiring to install a mural on is required to submit a formal application, a

scaled color rendering of the proposed project, and a photograph showing the building location of the proposed mural to the City offices for review by the Department of Code Enforcement and the Planning Commission/ Zoning Board of Appeals.

2. Mural proposals that do not meet the design criteria/guidelines may be denied by the Planning Commission/ Zoning Board of Appeals or accepted with required modifications.
3. Mural proposals must comply with any applicable New York State Department of Transportation rules and regulations regarding visual appearance and possible effect on traffic in the area of the mural. Written approval from New York State Department of Transportation may be required, depending upon location of the mural.
4. Submission of a formal application, subject to review and approval by the Department of Code Enforcement and the Planning Commission/ Zoning Board of Appeals, shall not be required for those murals that are in existence prior to the effective date of this Chapter; such murals may be continued, restored, repaired, and maintained, without application, review and approval.

H. Schedule.

1. Mural installation must begin within 180 days of approval and must be completed within six (6) months of the start date. If these dates are not met, the Planning Commission/ Zoning Board of Appeals may, at its discretion, revoke the mural permit. A one-time extension for an additional 60 days may be granted if the request is submitted in writing prior to the end of the initial 60-day period.

I. Decommissioning.

1. When a mural is at the end of its life span, or if the mural is to be removed without a replacement mural, the surface of the building or structure shall be restored and repainted.”

SECTION 2. Validity and severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

SECTION 3. Effective date.

This local law shall be effective upon filing with the office of the Secretary of State.

SANDRA LAPERA

CITY CLERK

January 17, 2025