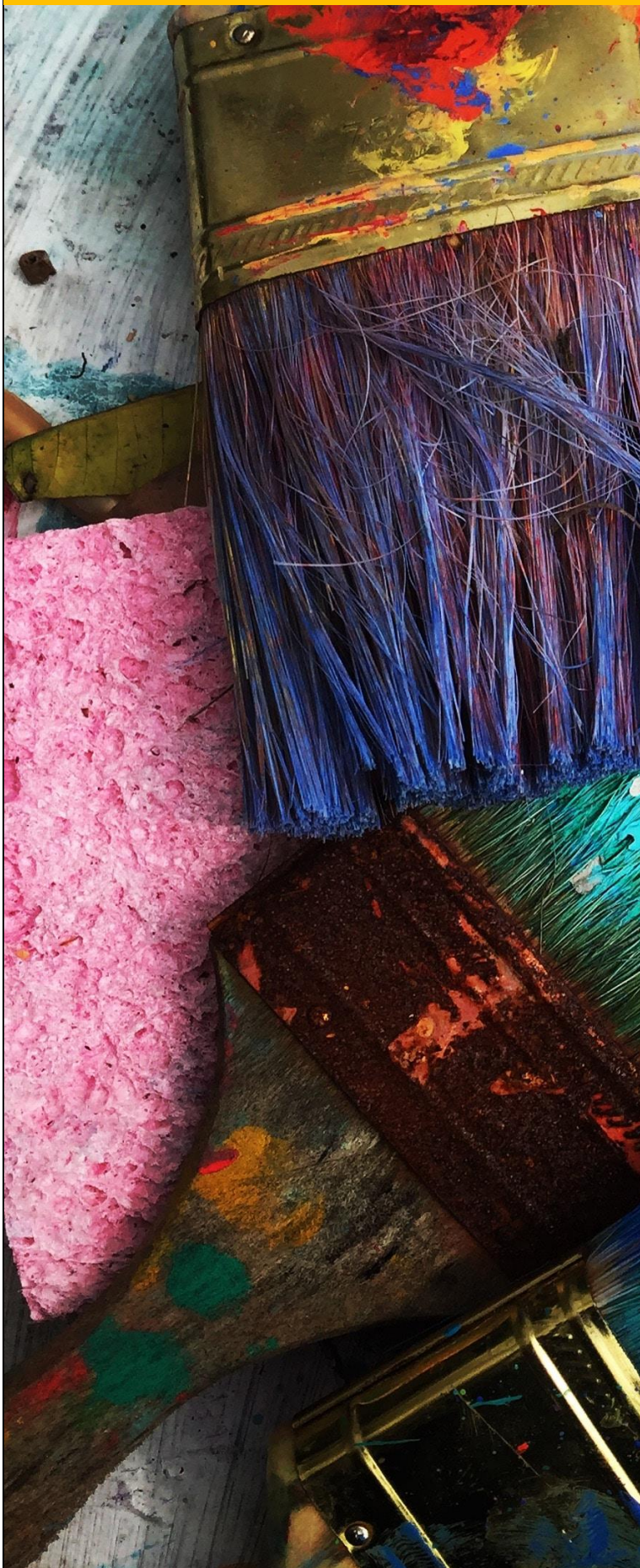


# MURALS INFORMATIONAL HANDOUT



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# MURALS INFORMATIONAL HANDOUT



## WHY A MURAL?

Murals provide a number of benefits to the public. They encourage artistic expression while also improving visual aesthetics of the area. They can be landmarks, storytellers, economic development tools and place makers for neighboring communities. Murals have also been used to deter graffiti and vandalism.

## STEPS TO TAKE BEFORE SUBMITTING AN APPLICATION

- Identify site(s) for proposed mural
- Meet with artists
- Review applicable laws (i.e., local ordinances, California Art Preservation Act, Visual Artists Rights Act)
- Get community support (not necessary but strengthens the application)
- Create a budget (applicable to City-funded projects)

## ARTIST PROTECTION LAWS

### Visual Artists Rights Act of 1990 (VARA)

- Enacted by Congress as an amendment to the US Copyright Act of 1976, recognizes only the moral rights of attribution and integrity.
  - The rights of attribution and integrity encompasses:
    1. The right to be identified as the work's author.
    2. The right to prevent the use of the author's name as author of a work they did not create.
    3. The right to prevent any intentional distortion, mutilation, or modification that is pre prejudicial to the author's reputation.
    4. The right to prevent any intentional or grossly negligent destruction of a work of recognized stature.
- Protection limited to "original work" and not reproductions, depictions, portrayals of the work.
- Does not protect works of art incorporated into buildings that would cause its destruction if artist consented to installation before 1991, consented to such acts after 1991, or for works that are removed from a building without causing harm where owner of the building in faith tried to find the artist.
- Protections last for works created on or after December 1, 1991, for the life of the author, or in cases of joint work, until the death of the last surviving author.
- Protections for works created before December 1, 1991, expire the same time as the copyright, lifetime of author plus 70. However, artworks prior to 1991 do not benefit from the right to prevent destruction to work.
- Moral rights cannot be transferred through copyright but can be waived by author of work.

From the California Lawyers for the Arts 2013. Materials are for educational purposes only, not to provide any legal advice.

To read more about VARA, visit the San Francisco Arts Commission [VARA webpage](#).

# MURALS INFORMATIONAL HANDOUT



## ARTIST PROTECTION LAWS CONT'D

### California Art Preservation Act (CAPA)

- State legislation (CA Civil Code Sections 987 and 989) that provides legal protection for artists' works against alteration or destruction, as well as promoting the public interest in preserving the integrity of cultural and artistic creations.
- Like VARA, its coverage is limited to "fine art".
- Protects against intentional mutilation, alteration, defacement or destruction of **only non-commissioned** original paintings, sculpture, or drawings, art in glass, of "recognized quality".
- Protections last for works created after June 1, 1991, for the lifetime of the author plus 50 years.

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To read more about CAPA, visit the San Francisco Arts Commission [CAPA webpage](#).

## MURAL APPLICATION

Murals to be placed on private property that is visible via the public right-of-way (i.e., sidewalks, foot or bike path, or street), or to be placed on City-owned property, or to be placed in Historic Districts or on Historic Landmarks will have to be approved by the City.

Applications will be reviewed for compliance with submittal requirements. Only completed applications will be accepted.

### Submittal Requirements

- Detailed Project Description
- Site Plan.
- Photos of Existing Site and Surroundings
- Conceptual Rendering and Material Sheet
- Artist Resume. Include samples of past work.
- Property Owner Acknowledgement
- CAPA and VARA Acknowledgement
- Electronic Copies
- Referral to the Arts Advisory Committee or Parks and recreation Commission

## REVIEW PROCESS

The Community Development department will review\* all completed mural applications for compliance to the following design standards:

1. Materials used must be durable such as wood, ceramic, metal, and paint.
2. Surface finished must be safe to touch and nontoxic.
3. Must be coated with a graffiti-resistant coating.
4. Shall not consist of, or contain, electrical or mechanical components or changing images.
5. Shall project no more than one foot from the façade of the building.
6. Shall not mimic or conflict with traffic signage.
7. Shall not contain logos, advertising, signage, and other commercial messaging.
8. Shall not contain material that is protected under copyright law unless written permission is obtained and provided to the City.
9. Shall be one-of-kind, original, and high-quality artwork.
10. Shall not contain offensive content.

\* Director may seek input from Arts Advisory Committee for murals funded by the City, in-part or whole.

