

§ 250-107. Murals and public art installations. [Added 10-29-2019 by Ord. No. 19-14]

A. Purpose. This section regulates all murals and public art installations within the City of Englewood visible from the public right-of-way and those that are visible from adjacent properties to ensure that they are appropriate for their respective uses in keeping the appearance of the affected property and surrounding environment and protective of the public health, safety, and general welfare. The purposes of this section with respect to murals and public art installations are to:

- (1) Ensure public welfare by providing proper maintenance of murals and public art installations.
- (2) Ensure public safety by preventing hindrances and distractions to pedestrians and drivers of motor vehicles.
- (3) Encourage quality in design and application and to promote a desirable visual environment.
- (4) Encourage artistic expression and foster a sense of pride.
- (5) Guarantee that murals and other public art installations contain no commercial advertising.
- (6) Prevent visual expression that may be offensive, obscene, contain elements of fighting words, incitement, defamation or is derogatory, or that constitutes off-premises advertising.

B. Severability. If any word, sentence, section, chapter or any other provision or portion of this section or rules adopted hereunder is invalidated by any court or competent jurisdiction, the remaining words, sentences, chapters, provisions, or portions will not be affected and will continue in full force.

C. Definitions. Words and terms used in this section have the following meanings given. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this section shall be construed to have its legal definition, its meaning as commonly accepted by practitioners, including civil engineers, surveyors, architects, landscape architects and planners, designers and artists.

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.

GRAFFITI — The etching, writing, painting, covering, drawing upon or otherwise placing a mark of paint, ink, chalk or dye upon public or private property, regardless of the content, with intent to damage such property and is not authorized or permitted by the property owner.

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. A mural that contains the name or logo of a business or a specific brand of merchandise sold within the building on which the mural is applied is considered a sign. Murals may not contain any promotional material.

PUBLIC ART — All forms of visual art that do not contain any commercial message that are located within the City right-of-way or on public land or on private property visible from a sidewalk, street or other right-of-way within the City of Englewood and which meets the requirements within this section.

D. General regulations.

- (1) An original art mural or public art that meets all of the following requirements will be permitted upon satisfaction of the applicable procedures.
- (2) No mural or public art shall be erected, placed, altered, relocated or replaced except in accordance with this section and unless a permit has been issued. This is applicable, but not limited, to all walls, utility boxes, benches and trash receptacles, streets and sidewalks.
- (3) All murals and public art installations shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural or public art installation in good repair may result in notification of the Code Enforcement Officer, and if necessary, appropriate enforcement action by the City, including recovery of related expenses for enforcement.
- (4) Murals may only be placed on a building or structure in accordance with the restrictions set forth herein. However, should an applicant desire to have a mural constructed off site in moveable panels or vinyl appliques to be installed on said facade, the attachment of said panels must comply with applicable building codes, subject to permits and inspection, the attachment devices must not compromise the structural integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to weather conditions, vandalism or age.
- (5) The mural or public art installation shall remain in place, without alteration, for a minimum period of one year. "Alterations" include any change to a permitted mural or art installation, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural. "Alteration" does not mean any naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted items that result from the maintenance or repair of the mural shall not be considered an alteration. Such minor changes may include slight unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.
- (6) No part of a mural shall exceed the height or width of the structure to which it is tiled, painted or affixed.

- (7) No part of a mural shall extend more than six inches from the plane of the wall upon which it is tiled, painted or affixed where allowable.
- (8) No part of a mural shall exceed the allowable height above the grade within each district.
- (9) No mural or public art installation may consist of, or contain, electrical or mechanical components, or changing images, moving structural elements, flashing or sequential lights, kinetic art or lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours.
- (10) No mural or public art installation may be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, fire escapes, vents, unless those openings have been permanently sealed.
- (11) No mural or public art installation shall be arranged and illuminated in a manner that will produce a light intensity of greater than three footcandles above ambient lighting as measured at the property line of the nearest residentially zoned property. Any mural or public art installed within a residential zone shall not be permitted to be illuminated between the hours of 10:00 p.m. and 5:00 a.m.
- (12) Not more than one mural or public art installation may be located within 200 feet of another mural or public art installation unless it is part of an approved ensemble.
- (13) If vandalism to the mural or the public art installation occurs, it is the responsibility of the property owner or tenant to remove the graffiti, in consultation with the artist, within 48 hours. The City reserves the right to remove or fine the property owner for any unmaintained murals or public art installation.

E. Review and permitting process.

- (1) An application for a mural or public art permit shall be made to the Zoning Officer on forms provided for such purposes.
- (2) The application shall include, but not necessarily be limited to: the required fee and all information required on the application and attendant forms.
- (3) The applications shall be accompanied by:
 - (a) Photographs of the subject property and surrounding buildings;
 - (b) Illustration of the proposed mural or public art installation, color renderings of mural, to scale and with indicated dimensions of both the mural and the wall it is to be applied to;
 - (c) Project description, including purpose. Detailed information regarding

the material to be used to apply or install the mural or public art installation, and any specialized equipment necessary for the project;

- (d) Information regarding the expected life span of the mural or art installation;
- (e) Maintenance plan which specifies the frequency of maintenance, provisions to address fading and vandalism, and general maintenance for the life of the mural or public art installation. A plan for the restoration of the surface substrate at its conclusion;
- (f) Project time line and budget;
- (g) Written, notarized consent of the property owner and the property tenant on which the mural is to be placed;
- (h) Certificates of insurance, including contractor/artist registration;
- (i) Hold harmless agreement with the City of Englewood;
- (j) Certification by the Police Department (Traffic Division) to ensure pedestrian, driver and traffic safety at the site;
- (k) A guarantee in the form of a bond from the property owner or tenant with the City of Englewood that the mural will comply at all times with this section, and that there will be guaranteed maintenance of the mural on a weekly (as needed) basis for the life of the project;
- (l) Application fee, as determined by the City Council and escrow deposit for professional review fees.

F. Completeness determination. An application shall be reviewed for completeness by the Zoning Officer and forwarded to the Sign and Facade Subcommittee of the Planning Board for review of appropriateness of the mural or public art installation. The Zoning Officer shall advise the applicant, in writing, if the application is deficient within 45 days of submission. Resubmission shall initiate another 45 days for the Zoning Officer's review.

G. Mural/public art installation permit.

- (1) The Planning Board shall have the ultimate authority to approve all murals and public art installations alone or as part of site plan review of a development project upon public notice and hearing. Such review shall be limited to the provisions of this section and shall not be content based.
- (2) Alterations to an existing mural or public art installation shall require a permit when the alterations are to the size, shape, location or design of the mural or public art installation.

H. Site plan review. Site plan review shall be required for all murals and public art installations at a regularly scheduled meeting of the Planning Board of the City of

Englewood.

- I. Maintenance of permitted murals and public art installations. The building owner is responsible for ensuring that a permitted mural or public art installation is maintained in good condition, fading is addressed and the mural or object is repaired in the case of vandalism or accidental destruction in accordance with approved maintenance plans.
- J. Removal of a permitted mural or public art installation. Prior to the removal of a mural or art installation, the property owner must notify the Chief Building Inspector or Subcode official at least 30 days prior to its/their removal with a letter stating the intent to remove the mural or public art. Any associated materials that were used to affix or secure the mural to the wall must also be removed at the time of the removal. This includes, but is not limited to, mounting brackets, hardware, caulk or grout, adhesives and glues. Complete restoration of the surface substrate is required.
- K. Alterations to a permitted mural or public art installation. Alterations of a mural or a public art installation must be approved by obtaining a new permit.
- L. Enforcement. It is unlawful to violate any provisions of this section. The regulations of this section are enforced by the Chief Inspector of the City of Englewood.
- M. Fee schedule. The fee for a permit shall be as follows:
 - (1) Per square foot: \$4; minimum fee of \$200.

CITY OF ENGLEWOOD
MURAL AND PUBLIC ART INSTALLATION PERMIT APPLICATION

PROJECT DESCRIPTION
Including proposed life span of the work

MAINTENANCE PLAN
Including restoration plan

PROJECT TIMELINE & PROPOSED BUDGET

Submission date ____/____/____ Approval date ____/____/____

Signature of applicant _____

Application approved by _____

CITY OF ENGLEWOOD
TO BE USED FOR MURAL AND PUBLIC ART INSTALLATION APPLICATIONS ONLY

NAME OF APPLICANT _____

INSTALLATION ADDRESS _____

ARTIST/VENDOR _____

ARTIST/VENDOR ADDRESS _____

PERMIT # _____ PERMIT FEE _____

DATE OF ISSUE _____ / _____ / _____

Please illustrate the proposed mural or public art installation here or attach a rendering to this application form. Illustration or rendering must be to scale with indicated dimensions on both the mural/public art installation and the wall or area it is to be applied/placed on.

NOTE: YOU MUST PROVIDE PHOTOGRAPHS OF THE SUBJECT PROPERTY AND THE SURROUNDING BUILDING AS PART OF THIS APPLICATION

HOLD HARMLESS AGREEMENT FOR MURALS AND PUBLIC ART INSTALLATIONS

THIS AGREEMENT made this _____ day of _____, 20_____,

by and between _____

residing or having offices located at _____

(hereinafter referred to as the "Owner") and the CITY OF ENGLEWOOD, with offices located at
2-10 North Van Brunt Street, Englewood, New Jersey (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the Owner is the owner of certain premises located within the City of
Englewood known as designated as Lot _____ in Block _____ as shown on the Tax Map of the
City of Englewood and commonly known as _____; and

WHEREAS, during the creation or installation upon said premises will involve an
encroachment upon the City's Right-of-Way for a period of time described below:

; And

WHEREAS, The Owner has requested the consent of the City to a license to permit
such encroachment.

NOW, THEREFORE, in consideration of the mutual promises and conditions
hereinafter contained, the parties agree as follows:

1. The City hereby consents to a temporary license to continue the aforesaid encroachment within the City's right-of-way.

Such license is revocable at any time by the City.

2. Upon the revocation of such license, the Owner shall cause the encroachment to be removed within thirty (30) days following such revocation.

3. The Owner agrees to indemnify and hold harmless the City, its officers, employees and agents from any and all claims for damages and liability arising by reason of the aforesaid encroachment into the City's right-of-way, including, but not necessarily limited to, the cost of defending any such action for damages, including reasonable legal fees.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

ATTEST:

CITY OF ENGLEWOOD

BY: _____

WITNESS:

_____ (Building Owner) or Agent

CITY OF ENGLEWOOD
MURAL AND PUBLIC INSTALLATION APPLICATION

LANDLORD/TENANT GUARANTEE

This is an agreement between _____

landlord/tenant of the property located at

_____ LOT _____ BLOCK _____

and the City of Englewood that the mural or public art installation will comply at all times with this ordinance, and that there will be guaranteed maintenance of the mural/public art installation on a weekly (as needed) basis for the life of the project.

Bond amount \$ _____ *to be held in escrow by the City*

Provided by _____

Signature

Title _____ Date _____ / _____ / _____

Accepted by _____ title _____

For the City of Englewood

Date _____ / _____ / _____

OWNER CERTIFICATION

STATE OF NEW JERSEY
COUNTY OF BERGEN
CITY OF ENGLEWOOD

DATE: _____

I _____ CERTIFY THAT I AM THE OWNER OF THE
PROPERTY LOCATED AT _____ IN ENGLEWOOD,
NEW JERSEY. THIS PROPERTY IS DESIGNATED AS BLOCK _____ LOT _____
ON THE ASSESSMENT MAP OF THE CITY OF ENGLEWOOD.

I HEREBY AUTHORIZE _____ TO MAKE APPLICATION FOR A MURAL OR
PUBLIC ART INSTALLATION PERMIT PURSUANT TO ORDINANCE # 19-14.

SIGNATURE OF OWNER: _____

ADDRESS OF OWNER: _____

TENANT CERTIFICATION

STATE OF NEW JERSEY
COUNTY OF BERGEN
CITY OF ENGLEWOOD

DATE: _____

I _____ CERTIFY THAT I AM THE OWNER OF THE
PROPERTY LOCATED AT _____ IN ENGLEWOOD,
NEW JERSEY. THIS PROPERTY IS DESIGNATED AS BLOCK _____ LOT _____
ON THE ASSESSMENT MAP OF THE CITY OF ENGLEWOOD.

I HEREBY AUTHORIZE _____ TO MAKE APPLICATION FOR A MURAL OR
PUBLIC ART INSTALLATION PERMIT PURSUANT TO ORDINANCE # 19-14.

SIGNATURE OF TENANT: _____

ADDRESS OF TENANT: _____

CITY OF ENGLEWOOD POLICE DEPARTMENT
DEPARTMENT OF TRAFFIC

NAME OF APPLICANT _____

INSTALLATION ADDRESS _____

ARTIST/VENDOR NAME _____

TITLE OF PROJECT _____

DATE OF APPLICATION ____/____/____

THIS IS TO CERTIFY THAT THE TRAFFIC DIVISION OF THE POLICE DEPARTMENT OF
THE CITY OF ENGLEWOOD HAS REVIEWED THE SITE OF THE ABOVE MURAL OR
PUBLIC ART INSTALLATION SO THAT TO INSURE PEDESTRIAN, DRIVER AND
TRAFFIC SAFETY AT THE SITE ABOVE.

CERTIFIED BY _____

TITLE _____

DATE OF REVIEW ____/____/____ DATE OF CERTIFICATION ____/____/____



Englewood

P.O. Box 228 • Englewood, N.J. 07631

APPLICATION FOR CONTRACTORS REGISTRATION

If registration is for a company, partnership or corporation, the notarized signature at the bottom of this form must be that of the principal officer thereof.

File # _____
Date Filed _____
Annual Fee \$ 50.00

APPLICATION MUST BE RETURNED THE CERTIFICATE OF LIABILITY NAMING THE CITY OF ENGLEWOOD AS THE CERTIFICATE HOLDER.

NAME OF CONTRACTOR OR FIRM _____
OFFICE ADDRESS _____

BUSINESS PHONE () _____ FAX () _____

NAME & ADDRESS OF PRINCIPAL OFFICER, IF APPLICANT IS A COMPANY, PARTNERSHIP OR CORPORATION _____
FEDERAL EMPLOYEE No. _____

CLASSIFICATION UNDER WHICH REGISTRATION IS REQUESTED PLEASE CHECK ONE

- GENERAL CONTRACTOR FOR LARGE BUILDING PRODJECTS
- CONTACTOR FOR SMALL BUILDINGS & ALTERATIONS
- ROOFING & SIDING CONTRACTOR
- DEMOLITION CONTRACTOR
- SWIMMING POOL CONTRACTOR
- SIGN & BILLBOARD CONTRACTOR
- MISCELLANEOUS CONTRACTOR

NUMBER OF YRS FIRM HAS BEEN LOCATED AT ABOVE ADDRESS (IF FIRM HAS BEEN AT ABOVE ADDRESS FOR LESS THAN 2 YRS, GIVE PREVIOUS ADDRESS) _____

DOES FIRM CARRY PUBLIC LIABILITY INSURANCE _____

IF SO, STATE AMOUNT OF COVERAGE _____

NAME OF COMPANY WRITING YOUR LIABILITY INSURANCE _____

DOES FIRM HAVE A LICENSED ENGINEER/ARCHITECT ON STAFF _____

IF SO, STATE NAME & LICENSE NUMBER OF ENGINEER/ARCHITECT _____

SWORN TO ME THIS _____ DAY OF _____ 20 _____

NOTARY _____ APPLICANT _____

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	
<input type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ►	
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>

or

Employer identification number									
<input type="text"/>	<input type="text"/>	-	<input type="text"/>						

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
-----------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.