Mural Production

AN INTRODUCTORY GUIDE TO ISSUES, RIGHTS & RESPONSIBILITIES

IN THE

City of Los Angeles
Contents

Introduction / 1

Permit Process / 2
- Cultural Affairs Department
- Public Art Committee
- Cultural Affairs Commission
- Obtaining an Application
- Murals Review Process
- Issuance of Mural Permit

Before You Get Started / 5
- Selecting a Site
- Working with the Property Owner
- Design and Budget Issues
- Wall Preparation
- Paint Materials
- Anti-Graffiti Measures
- Maintenance

After Installation/Legal and Related Issues / 9
- Copyright Registration & Use of Image
- Restoration, Conservation and Preservation
- Removal, Destruction or Alteration

Disclaimer / 11

Referrals to Relevant Agencies / 12
Introduction

Murals are an integral part of cultural expression in the City of Los Angeles. They have been created throughout Los Angeles by artists from diverse artistic and cultural traditions and backgrounds. The Cultural Affairs Department oversees the Murals Program which includes the murals permitting process, murals preservation and conservation efforts throughout the City. The Department also maintains a database of all permitted murals.

This guide will provide artists with an introduction to the mural permit process in the City of Los Angeles. The guide will also outline some of the issues and factors artists should consider when creating and maintaining murals. Our intent is to aid artists and others in understanding the short and long-term issues surrounding the creation of a mural, and to apprise parties involved in mural projects of the City’s permit process.¹

¹This guide addresses issues relating to murals and does not cover issues and permitting as they relate to mural signs. Mural signs in the City of Los Angeles are governed by the provisions of the Los Angeles Municipal Code;

(Detail) Magritte in Los Angeles • Noa Bornstein • LaCienega Boulevard/Imperial Highway • Originally commissioned by Chevron, IBM, and the Cultural Affairs Department through its Los Angeles Murals Program • 1994
**Permit Process**

All murals which are on public property must obtain prior permit approval from the Cultural Affairs Commission. This includes murals sponsored by a City department, a private property owner, or murals painted by independent artists or community groups. Interior murals which are located on City of Los Angeles property also require a mural permit.

Artists or community groups who want to paint murals must also obtain permission from the property owner, whether a private individual, organization, or a public agency. Painting murals on public or private property without permission of the property owner is illegal and punishable by law. *

Many disputes in the murals process arise when muralists or community groups neglect to obtain permission from the property owner or to secure permit approval from the Cultural Affairs Commission.

---

**Cultural Affairs Department**

The Public Art Division of the Cultural Affairs Department is responsible for administering the Murals Program. Department staff distribute and collect mural permit applications, review and make recommendations on submitted applications to the Public Art Committee and the Cultural Affairs Commission and then issues mural permits once they are approved by the Cultural Affairs Commission.

**Public Art Committee**

The Public Art Committee conducts a preliminary review of mural applications and provides applicants with critical feedback necessary for permit approval by the Cultural Affairs Commission. The Public Art Committee also reports concerns and recommendations to the Cultural Affairs Commission for consideration. The Public Art Committee currently consists of seven (7) members—three (3) Cultural Affairs Commissioners, two (2) arts professionals, one (1) conservator and one (1) architect—who are appointed by the staff of the Public Art Division.

---

*Please note that currently, new murals on private property are prohibited by ordinance. Proposed permit processes for private property are in development. However, the process outlined in this guide is applicable for new murals on City property. (January 2012)*
**Cultural Affairs Commission**

The Cultural Affairs Commission reviews and approves or disapproves all mural permit applications. The Mayor appoints seven (7) members from the community to serve on the Cultural Affairs Commission.

**Obtaining an Application**

To obtain an application for a mural permit, contact the Murals Manager in the Public Art Division of the Cultural Affairs Department by calling 213.473.8344. The Murals Manager and staff can guide you through the permit process and direct you to helpful resources.

Applicants with Internet access are directed to the Department’s website at www.culturela.org to obtain a copy of the application materials. These materials outline all required information and supporting documents to be submitted with the permit application.

Applicants should schedule an appointment with the Murals Manager to submit their application and all supporting documents in person.

**Murals Review Process**

There are three steps to complete the mural review process. First, the Murals Manager receives all required information. Then he/she will place your proposed mural project on the meeting agenda of the Public Art Committee. The Public Art Committee will review your application materials and address your project’s appropriateness and viability in an advisory capacity only. Mural applicants are required to attend and
present their proposed mural project to the Public Art Committee.

Second, once reviewed by the Public Art Committee, the Murals Manager will submit your project to the Cultural Affairs Commission for conceptual review. All parties involved in the proposed mural project are required to attend the Cultural Affairs Commission meetings to answer questions, including any issues raised by the Public Art Committee, and to submit any additional information requested.

Third, if the Commission does not require further information and no changes to your murals project are necessary, the Murals Manager will request that the Commission grant you final permit approval. If the Commission does require additional information or changes to your mural project, you must submit the information and/or make the necessary changes and appear before the Commission again for further review. Once the Commission finds that all required information has been submitted, or that satisfactory changes to your mural project have been made, the Murals Manager will request that the Commission grant final permit approval for your project.

**Issuance of Murals Permit**

Upon approval of your mural project by the Cultural Affairs Commission, the Murals Manager will issue you a mural permit stipulating the terms and conditions of the approved project. Your project will then be included in the Public Art Division’s murals database.

The permit is granted for the specific design and one-time production of the mural presented by the applicant. Changes to your mural must be brought back for review and approval before the Commission. Mural applicants must understand that the permit does not constitute either an indication or promise of future permits for the same artist, location, or material changes.

The parties should also understand that the permit is revocable at any time if it is determined that the mural does not comply with the information provided in the application and/or that the mural will violate the City’s public safety and welfare objectives.
Before You Get Started

Selecting a Site
Keep in mind that although painted murals can be a very durable art form, environmental conditions and other factors affect their longevity. Nevertheless, choosing the appropriate wall and proper wall preparation and materials will do much to extend the life of your mural. Decisions about the wall you should use must be made on a case-by-case basis. Factors to consider may include the following:

- **Type of wall surface**—good possibilities include concrete and stucco. Brick, wood, and retaining walls are usually problematic. Not all wall surfaces will retain the integrity of the mural to the same extent.

- **Amount of sunlight**—murals which receive direct sunlight, especially those facing south which get direct sun for most of the day in all seasons, usually show more severe deterioration than murals which are protected from direct sunlight by their orientation or overhanging architecture.

- **Amount of traffic**—murals located in heavily trafficked areas, such as freeways, or near manufacturing plants will be subject to more smog and atmospheric pollutants, which may be damaging to the mural surface. Some locations may be likely to have graffiti and vandalism (not just pedestrian areas, but walls near abandoned sites, underpasses, etc.).

- **Potentially dangerous conditions** should be evaluated such as power lines or other obstructions.

- **Walls with structural problems**, such as earthquake damage or water leaks, should be avoided or repaired prior to painting a mural.

The Social and Public Art Resource Center (SPARC) maintains extremely helpful resources and guides on the mural-making process. Contact SPARC for additional information at (310) 822-9560.

Working with the Property Owner
Once you have chosen an appropriate wall, you must obtain written permission of the property owner to paint the mural.

Property owners may need information about the benefits and responsibilities of allowing murals to be painted on their property. Murals often improve and revitalize neighborhoods—providing economic and quality-of-life benefits to City residents and visitors. Mural projects that utilize community members and young artists also serve to foster neighborhood spirit and a sense of pride.
We recommend that you address production and related issues of your mural project with the property owner. The Department also strongly recommends that artists enter into written agreements with property owners regarding their mural project. The issues to be discussed will vary from project to project and depend on the nature, scope and location of your mural. A few issues to consider reviewing with the property owner are:

1. design and dimension of the proposed mural, including placement of the mural (for example, will placing the mural several feet from the ground deter graffiti?), security measures such as security lighting systems, etc;
2. the City of Los Angeles permit approval process;
3. materials to be used, including anti-graffiti coatings;
4. wall preparation requirements;
5. budget and funding sources of the mural;
6. background and expertise of the artist(s) and other personnel who will fabricate and install the mural (we suggest you discuss the possible use of community members, including young artists, in the design and installation of the mural);
7. indemnity and insurance requirements, including workers’ compensation and general liability coverage (in some instances the artist and artist assistants can be added to the property owner’s existing policies for the length of the project);
8. duration of the mural and/or whether this issue should be reviewed periodically;
9. responsibilities of the parties to maintain the mural, including graffiti removal;
10. notice to be given and steps to be taken before removing or covering the mural;
11. copyright of the mural and use of the mural image; and
12. preparation of a written contract to specify the parties’ responsibilities and cover all pertinent legal issues.

We recommend that you encourage and foster a frequent and open dialogue with the property owner about the condition of the mural and any changing priorities of the parties (e.g. sale or demolition of the building) during the life of the mural. Most outdoor murals will fade, peel, chip and naturally deteriorate due to the elements and, in some cases, buildings with murals may be torn down. Accordingly, we suggest that you provide the property owner with a current telephone number and address if you move during the life of the mural.
Design and Budget Issues
A detailed sketch of the proposed mural design must be prepared and submitted with your mural permit application. The drawing you develop should be to scale.

Your total project cost must also be identified on the mural permit application. We recommend that mural applicants make an exhaustive analysis of the material, labor and incidental costs when calculating the total cost of their mural project. These costs may include, but are not limited to, the following: wall preparation, scaffolding, paint and anti-graffiti coatings, insurance, and personnel, artist, and artist assistants’ fees.

We further recommend that you involve local residents and businesses at the planning stage of the mural process to gain their support. One way to do this is to provide community members with notice of your proposed mural and site and discuss with them things they would like to see on the proposed wall. Community members may be able to provide valuable resources, services and/or financial assistance.

Wall Preparation
We suggest you wash the selected wall with a high-powered water hose or sandblasting equipment. Consider also scraping the wall with a wire brush or similar tool to remove excess dirt and dust.

It is recommended that you apply several coats of gesso, mixed with varnish or gel, to increase flexibility and consistency. This will prime and seal the wall. Please always follow manufacturers’ instructions.

Paint Materials
We recommend that artists research all paint materials available in the marketplace at the time of their mural project. Consider using high quality acrylic artist paints (e.g. Liquitex or Golden) since they may create a long-lasting, colorfast and durable mural. Mixing varnish or gel with the paint you select may also provide for a more durable artwork. Artist’s oil or enamel paints usually fade and change colors when used outdoors.
Mineral paints (e.g. Keim paint) usually bond well with masonry walls. The drawback to Keim paint is that it must be imported from Germany, takes a long time to arrive, has no true red in the palette of colors, and may be more expensive than acrylic paints.

**Anti-Graffiti Measures**

In today’s environment, applying a protective anti-graffiti coating is important to save a mural from being destroyed by graffiti and vandalism. This coating is required as part of the permit process. Several anti-graffiti coating products are available. Essentially, when a mural is coated, graffiti can be removed with a designated solvent if a permanent acrylic coating is used (or heat in the event the coating used is wax). While a wax coating may need to be re-applied to the mural for further protection, permanent acrylic coatings can sometimes yellow or shrink (thereby pulling the paint from the wall surface).

Following manufacturers’ instructions when applying protective coatings will reduce potential problems. Also, we suggest you verify that wall preparation, paint, and anti-graffiti materials are compatible with each other and the wall surface.

Other measures to deter graffiti and vandalism include: placing the mural on the wall out of reach of vandals, lighting or other security systems, and neighborhood watch programs.

**Maintenance**

Consistent maintenance is extremely important to the durability and longevity of outdoor mural. In many cases, preventative care will greatly assist your efforts to conserve the mural. Therefore, it is recommended that maintenance issues be addressed with the property owner during the planning and design stages of a mural project rather than as an after-thought following project completion.

We also recommend that graffiti or vandalism be reported to the Los Angeles Police Department and that the party accepting responsibility for maintenance take prompt steps to remove or repair it. Removing graffiti and repairing vandalism as soon as they occur assists in deterring further attacks to the artwork. A number of graffiti eradication and prevention organizations exist throughout the City, including a program called “Operation Clean Sweep,” a division of the City of Los Angeles Board of Public Works. Operation Clean Sweep can recommend companies that work with property owners and muralists on continued graffiti abatement efforts. Operation Clean Sweep can be reached at 800.611.CITY or visit their website at [www.lacity.org/bpw/ocs](http://www.lacity.org/bpw/ocs).
Copyright Registration & Use of Image

As soon as you create an original artwork (on or after March 1, 1989), such as a mural, you automatically hold the copyright of the image. When you own a copyright, you have property rights separate and distinct from the artwork itself including the right to:

- reproduce the work;
- prepare derivative works based on it;
- distribute copies of the work by different means;
- perform the work publicly; and
- display the work publicly.

You may sell or lease all or some of these rights. You may also sell your artwork and retain the copyright, or vice versa.

Although you do not need to put a copyright notice on your work, you are advised to do so. Copyright notice informs others that you own the copyright and are willing to enforce it.

We suggest you write the copyright symbol (the letter “c” with a circle around it) or the word “Copyright,” your name, and the date on the mural itself. We suggest the artist also sign the mural and include his/her telephone number if possible.

You also do not need to register your copyright but you are strongly advised to do so within time limits prescribed by the Copyright Office. This will protect the mural from being used commercially without your permission and from other people profiting from it. To take legal action for damages related to infringement of your copyright, it has to be registered.

To register your copyright, submit a completed application form, an application fee, and one copy or photo of the mural to the Copyright Office. To obtain an application, call the Copyright Office at (202) 707-3000.

Copyright law is extremely detailed and complex, particularly with respect to works of art created before March 1, 1989, “fair use”
of public art, works created by an employee for an employer, and collective works. The Copyright Office will send you helpful, free publications. You should also consult an attorney with questions concerning your copyright and/or the possible infringement thereof. The California Lawyers for the Arts can serve as a resource in this area. This organization can be reached at (310) 998-5590.

**Restoration, Conservation and Preservation**

There is no guarantee that, after installation, a mural will remain intact for its expected lifespan. If the parties want to preserve a mural, it is their responsibility to reach an agreement regarding maintenance and any future restoration and conservation efforts. Permit approval by the Cultural Affairs Commission does not constitute an indication or promise of any conservation or restoration funds from the City of Los Angeles or any of its departments or offices.

To aid future conservation and preservation efforts, we recommend that artists document the materials and methods used to create a mural. Also consider appropriate documentation including color photography during painting and after completion of your mural for archival purposes and prior to any restoration effort.

If you are considering preserving your mural by removing it intact we suggest you use appropriate surface preparation methods and materials. Although extremely costly, techniques have now been developed which may in some cases allow for the removal and relocation of a mural in certain circumstances.

We encourage muralists to consult a conservator or conservation organization prior to embarking on any restoration effort. Conservator guidelines and standards regarding paint layers and delamination, and the unique issues associated with any restoration project, are invaluable.

**Removal, Destruction, or Alteration**

Murals increasingly get caught in a “tug of war” between the rights of the artist and the rights of the property owner. The United States Congress and California legislature have enacted laws which provide limited protections to murals that fall within their provisions. In certain circumstances, these laws require that property owners provide appropriate notice to artists of the intent to alter, remove, or destroy murals.

The text of the Visual Artists Rights Act can be found in 17 USC Sections 101 et seq. and reviewed at [www.law.cornell.edu](http://www.law.cornell.edu). The California Art Preservation Act, Civil Code Sections 987 et seq., can be accessed at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

An attorney should always be consulted with questions concerning these laws and/or other legal issues.
Disclaimer

The statements and recommendations made in this publication are intended only as guidance. The Cultural Affairs Department does not assume responsibility or liability for any statement or recommendation made herein since the information, policies, and laws consulted to prepare the guide are subject to change without notice. Additionally, the information is not intended as professional or legal advice, and you should consult your own legal or other advisors with specific questions you may have concerning your mural project.

(Artist and conservator during conservation treatment) “Can of Cardines” Sandy Bleifer, Hayvenhurst Avenue/Ventura Freeway, Originally commissioned through the Citywide Mural Project". 