

GEORGE MUNICIPALITY VISUAL ARTWORK MANAGEMENT POLICY, 2023

Approved by Mayoral Committee on 19 June 2023

GEORGE MUNICIPALITY:

VISUAL ARTWORK MANAGEMENT POLICY, 2023

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1. INTERPRETATION AND OBJECTIVES

1.1. PURPOSE OF POLICY

The purpose of this policy is to provide guidelines for the creation and installation of public artwork within the George urban area.

The policy aims to:

- i. Ensure that public artwork is appropriate, safe, innovative and enhance the cultural and aesthetic appeal of George;
- ii. To provide for the management and regulation of all forms of public art which fall under the jurisdiction of the Municipality;
- iii. To provide for minimum standards and requirements that can be applied to all public art applications submitted to the Municipality;
- iv. To establish a legal framework for public art which is cognisant of the uniqueness of George, its surrounding urban centres and rural hinterland, and it's natural, built and cultural environment as well as constitutional rights.

1.2. DEFINITIONS

In this policy, unless the context indicates otherwise—

"apply" means to paint, including to spray paint, draw, write, mark, engrave, etch, scratch, or otherwise affix to or express on any natural surface or man-made surface, and "applying", "applied" and "application" have corresponding meanings;

"approved" means approved by the Municipality or other regulatory authority that has jurisdiction over the approval and "approval" has a corresponding meaning.

"area of jurisdiction" means the area under the control of the Municipality according to the legally determined and declared boundaries of the Municipality.

"artist" means a person engaged in one or more activities related to creating art, practicing the art, or demonstrating an art.

"authorised official" means an employee of the Municipality responsible for the enforcement or the implementation of this policy or such service provider as has been authorized by the Municipality;

"committee" means the Committee appointed by the municipality to advise, provide feedback, guide and assist the Municipality on various aspects relating to the submission of visual artwork applications.

"council" means the Council of the George Municipality and its Committees acting by virtue of any powers vested in the Council in connection with this by-law.

"design" means a creative plan or specification for the implementation of artwork. The process of design takes account of a range of factors and needs in the development of the product and the impact on the surrounding area.

"display period" means the exposure time during which the individual artwork is on display.

"illuminated" means, in relation to an advertisement, the installation of electrical equipment or other power for the purpose of illuminating the copy message at night, either continuously or intermittently.

"maintenance" means regular routine inspection and care of artwork, such as cleaning and applying protective surface coatings.

"medium" means the materials used in a specific artistic technique: eg oils as a medium.

"mosaic art" means a pattern or image made of small pieces of coloured stone, glass or ceramic, covering a surface.

"Municipality" means the George Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or an employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee.

"Municipal Manager" means a person appointed as such by the Municipality in terms of Section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended.

"municipal property" means any portion of land including road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site etc. vested in or owned by the Municipality.

"mural art" means art in the form of a painting, applied directly to a wall, fence or structure; **(See annexure 1 for examples)*

"natural surface" means the surface of any rock, tree or other natural feature; **(See annexure 1 for examples)*

"offensive content" includes content of any art work which, whether in form, content or both, may reasonably be expected to—(a)cause offence or danger to any person or property, or to any member of the public in a manner which is contemplated in section 16(2)(a),(b) and (c) of the Constitution of the Republic of South Africa, 1996; or(b)be detrimental or otherwise have a negative impact on the environment;

"owner" means—(a)the owner of any property or any person in whose name the land on which a building was or is erected and is registered in the deeds office;(b)any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other monies in respect of the property; and(c)any person who is entitled to the benefit of the use of such building or land, or who enjoys such benefit;

"person" includes any organ of state, natural or juristic person including companies incorporated or registered as such under any law and any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;

"policy" means the Municipality's policy regarding advertising signs;

"private property" means immovable property owned by a private person;

"public space" means—(a)any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof

and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;(b)any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission fees or not;(c)any nature conservation area including —(i)nature reserves;(ii)protected natural areas;(iii)nature conservation worthy areas; or(iv)natural open spaces;

"public property" means immovable property owned by an organ of state;

"remove" means restore the surface with full functionality of purpose to the same or to a better condition than prior to the application of graffiti to the satisfaction of the Municipality, and "removal", "removing" and "removed" have corresponding meanings;

"sculpture" means the art of making three-dimensional representative or abstract forms, especially by carving stone or wood or by casting metal or plaster; **(See annexure 1 for examples)*

"visual art / artwork" means artwork or design elements that are within the public space, regardless if it is situated on public or private property. These artworks can be a form of collective community expression that enhances the built or natural environment. It may take various forms including but not limited to: sculpture, paintings, murals, mosaic. Throughout this policy reference made to 'public artwork' implies the same meaning as 'visual artwork'.

1.3. JURISDICTIONAL AREA

Any entity or person, who wants to create any form of visual art that falls under this policy, should adhere to the provisions set out in the policy.

1.4. APPLICATION OF POLICY

This policy concerns itself with artwork visible from public roads and streets, and other public places. It applies to all individuals, organizations, and businesses intending to create and install artwork in the George municipal area.

This policy will provide guidelines for decisions on applications for visual artwork such as murals, sculptures and surface art. This policy is applicable to the location, design, quality, safety maintenance and removal of permanent and temporary artwork.

2. GUIDELINES

- a) Public artwork can contribute to the cultural and aesthetic appeal of the urban environment. No artwork structure shall:
 - i. be erected without approval where such approval is required by any Act or Regulations or any other law;
 - ii. be detrimental to the environment or to the amenity of a human living environment due to size, shape, colour, texture intensity of illumination, quality of design or materials or for any other reason;
 - iii. be used for offensive content may be displayed through the artwork;
 - iv. be used for advertising or include content that is classified as murals in the Outdoor Advertising Management and Control By-Law.

b) Application can be made for either Permanent or Temporary artwork: -

- i. Permanent artwork is well planned and implemented art with a specific aim of being installed for a period exceeding five (5) years. These artworks would require maintenance throughout the years of its display.
- ii. Temporary artwork is more spontaneous and is displayed for a shorter period not exceeding 12 months. These artworks may be utilized to raise public awareness concerning certain issues or provide momentary beauty to an area. If artwork is displayed for a period longer than 12 months, it will be considered as permanent artwork and a new agreement must be entered into with the municipality.

The following guidelines must be followed to ensure that the artwork is appropriate, safe, and enhance their cultural and aesthetic appeal:

2.1. LOCATION



- a) The location of the artwork must be carefully considered to ensure it is appropriate and enhances the surrounding environment.
- b) Artwork should not be placed on heritage-listed buildings without prior consultation with the heritage authorities, unless otherwise provided in the heritage strategy.
- c) Artwork can be located on public property (municipal land), or private property.
- d) When considering designated spaces for artwork the following should be considered:
 - i. the need for artwork in the area, this can be determined through engagement with the community and ward councillor;
 - ii. the location must be safe and well lit;
 - iii. the location must not cause any obstruction to motorists or pedestrians;
 - iv. the area for mural artwork should not be smaller than two metres by four metres.
- e) The Municipality may increase or decrease the minimum spacing between artwork and signage structures, or place further restrictions on the position, size and content of any artwork it considers necessary, in the interests of road safety or environmental impact.
- f) Murals can be created within approved designated mural spaces. Designated spaces can be allocated after consultation with the relevant community through the Ward Councillor and Ward Committee.
- g) Designated mural spaces can be deemed as practise spaces for temporary mural art forms.

Examples of good locations





2.2. DESIGN

- a) The design of the artwork should be carefully considered and should be appropriate for the location and character of the surrounding environment.
- b) It should not include offensive or derogatory material or messages that promote any form of discrimination.
- c) Consideration will be given to themes that are of artistic expression.
- d) Themes are encouraged such as:
 - i. Nature;
 - ii. Landscapes;
 - iii. Agriculture;
 - iv. Cultural expression;
 - v. Thread (linkages) – a theme of various pieces of artwork situated in different areas of the city, relating to one another.
- e) The actual size of such sign will depend on the size of the side or back wall concerned and on factors such as the character and appearance of the building and the overall streetscape.
- f) No limitations to the colour and texture are imposed, as long as it's not a distraction for driver or impact traffic safety.
- g) Sculptures may be illuminated at night. Luminated structures must comply to maximum luminance levels per square meter as stated in section 8 of the Outdoor Advertising Management and Control By-Law.
- h) Sculptures and structures erected must align with the development parameter of the George Municipal Integrated Zoning Scheme and the Building Control By-Law.
- i) The Municipality reserves the right to reject proposals for artwork on municipal-owned.

| Good Design | No design – example of vandalism |
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2.3. QUALITY

- a) Artwork should be of high quality and meet industry standards for public art. The materials used should be durable and able to withstand weather conditions and other external factors.
- b) Artwork must be completed by an artist with prior experience in visual arts.

| Good quality mural | Water damage to mural and surface not ideal for mural |
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2.4. SAFETY

- a) Safety must be a top priority when creating and installing artwork. Appropriate safety measures should be taken to ensure the safety of the artists, the public, and the environment. Artwork should not:
 - i. obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
 - ii. be so placed which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
 - iii. obscure a road traffic sign or signal, create confusion with a road traffic sign or signal;
 - iv. interfere with the functioning of a road traffic sign or signal or create a road safety hazard;
 - v. emit noise, sound, smoke, smell or odours;
 - vi. If any sculpture or structures are erected close to municipal services, the municipality will not be liable for damage, provided that the Municipality may deny such a proposal if there are perceived risks to service delivery.

2.5. MAINTENANCE

- a) Artwork permit, or approval does not warrant or guarantee that, after installation, the artwork will be preserved or remain intact for its expected life span.
- b) The artist or organization responsible for the artwork is also responsible for its maintenance.
- c) The artwork must be kept in good condition and regularly inspected to ensure that it remains safe and visually appealing with periodic maintenance to be performed by the artist as needed.
- d) The approval of the Municipality does not constitute an indication or promise of any conservation or restoration funds.
- e) If vandalism/graffiti to artwork occurs, it is the responsibility of the artist to remove graffiti within 7 days after notification. If the artist fails to rectify vandalism the municipality can remove the artwork, cover the entire mural or recruit new artist to create new art.
- f) If the structure is in a dangerous or unsafe condition the Municipality may serve a notice on an owner of the artwork and the owner of the property on which the artwork is situated.

Removal of vandalism to artwork



2.6. REMOVAL

- a) If artwork becomes outdated or damaged beyond repair, or if the Municipality so requires, the individual or organization responsible for the artwork must remove it.
- b) The removal must be done in a safe and environmentally responsible manner, at the cost of the installer.
- c) Undesirable practices, such as the pasting of artwork on surfaces in such a manner that makes the removal of such practices impossible, are prohibited by this policy.

Removal of mural



3. ADMINISTRATIVE CONTROL

3.1. AUTHORISATIONS AND PERMITS ON MUNICIPAL PROPERTY





- a) Any person who intends to apply for artwork comprising any one of or a combination of any inscription, word, figure, letter, sign, symbol, sketch, picture, drawing or design to any natural surface or man-made surface on municipal property, which will be visible from a public place, must apply in writing to the authorised official for permission to do so.
- b) Evaluation of an application will be decided by an authorised official assisted by a committee of at least 3 members appointed by the Municipal Manager.
- c) The application must include: (Submission via email)
 - i. full details of the applicant;
 - ii. a motivation for applying the inscription, word, figure, letter, sign, symbol, sketch, picture, drawing, mural or design, the intended size thereof;
 - iii. the location;
 - iv. proof of the consent from the owner of the property (where application pertains to private property);
 - v. the period for which the artwork will be displayed;
 - vi. arrangements for maintenance of the artwork;
 - vii. the materials and equipment to be used;
 - viii. an accurate likeness, illustration or depiction of the intended work;
 - ix. artist portfolio of previous artwork completed;
 - x. duration that the artwork will be displayed;
 - xi. proof of security of funds to complete artwork;

- xii. process plan (methodology, time frame and work plan); and
- xiii. a site development plan, indicating position of proposed artwork on the property.
- d) Proposal of artwork must be consulted with the community and surrounding property owners as part of public participation and proof of the public participation must accompany the submission.
- e) The authorised official must, on receipt of the application, consult with any affected department of the Municipality. Thereafter the proposal must be tabled with the Authorised Official and assisting Committee for their comment. The proposal must also be sent to the Ward Councillor for information.
- f) The Municipality may refuse or grant an application for a permit, and must within 30 days of its decision advise the applicant in writing. If the Municipality grants the application, a letter of authority will be issued to the applicant, along with any conditions which may be imposed.
- g) A person may apply to the authorised official to utilize the designated spaces, and the same authorisation process will be adhered to.
- h) The authorised official must keep, maintain and update a register of:
 - i. artists within the area of jurisdiction who have been granted approval;
 - ii. approved public artwork, date and sites, and monitor for time lapsed.

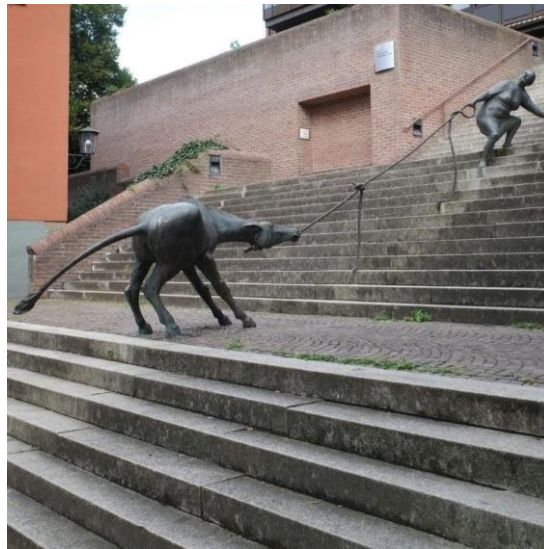
3.2. ENFORCEMENT

- a) The enforcement of this policy will be the responsibility of the George Municipality. If artwork is found to be in violation of any of the above guidelines, the council may order the artwork to be removed or require the individual or organization responsible for the artwork to make necessary changes to ensure compliance. If this request is not upheld, the Municipality may enforce the removal and apply penalties in terms of any relevant bylaw.
- b) Where artworks are situated on private property and does not comply to guidelines of this policy the municipality may issue a notice of compliance.

Annexure 1 – Forms of Visual Artwork

| Artwork Category | Example |
|------------------|---|
| Mural | <div></div> |

Sculpture



Mosaic art



Illuminated artwork

