

Mesilla Ordinance on Murals, Sculptures, and Public Art

Purpose

This ordinance aims to enhance the Town's cultural, aesthetic, and economic vitality by promoting and regulating public art installations, including murals, sculptures, and other forms of creative expression. It recognizes the unique character of each zone and balances artistic expression with the preservation of community standards and historical integrity.

Definitions

- **Public Art:** Includes murals, sculptures, mosaics, and other creative works displayed outdoors or in view of the public.
- **Public Arts Committee (PAC):** A committee established by the Town to oversee, review, and approve public art proposals. The PAC is composed of Town officials, community representatives, artists, and other stakeholders appointed by the Mesilla Board of Trustees upon the recommendation of the Mayor.
- **Historic Commercial Zone (HC):** Commercial areas generally surrounding the Mesilla Plaza with designated historical significance, as defined by the Town's Land Use Map.
- **Historic Residential Zone (HR):** Areas with designated historical significance in the Town's residential areas near the Mesilla Plaza, as defined by the Town's Land Use Map.
- **Residential One (R1) Zone:** Areas zoned primarily for housing, including single-family and multi-family homes, as defined by the Town's Land Use Map.
- **Rural Agricultural (RA) Zone:** Land used for farming or other agricultural purposes, as defined by the Town's Land Use Map.
- **Rural Farm (RF) Zone:** Land used for farming or other agricultural purposes, as defined by the Town's Land Use Map.
- **Commercial (C) Zone:** Land area used primarily for commercial and retail activities, as defined by the Town's Land Use Map.
- **Public Property:** Land, buildings, structures, and supporting infrastructure (such as utility boxes) in the Town right-of-way or owned by other governmental entities.
- **Private Property:** Land or buildings owned by individuals, businesses, or non-governmental organizations.
- **Temporary Installation:** Public art that will only be on display for a requested timeframe at the time of application, with a valid permit. The permit may be extended with reapplication.

General Requirements for Public Art

All public art installations must:

- Be reviewed and approved by the Town's Public Arts Committee (PAC)
- Comply with safety standards and building codes
- Avoid offensive, discriminatory, or defamatory content
- Be maintained by the property owner or sponsor to prevent deterioration or hazards
- Avoid bright/disruptive lighting or sound elements for sensory art (temporary installations may be exempt) and be specifically approved by PAC
- Comply with HOA regulations where applicable and documented in covenants
- Not exceed 10 feet in height for sculptures unless specifically approved by PAC

- Existing installations prior to codification are exempt from parts of this ordinance (subject to review)

District-Specific Guidelines

Historic Zones (HR & HC)

- a. Each individual installation will be reviewed on a case-by-case basis
- b. If a mural contains advertisement or the name of a business, it must meet the requirements of the signage ordinance (18.65)
- c. Public art should reflect or complement the historical and architectural character of the area
- d. Murals must use colors and designs that complement existing historic structures
- e. Sculptures or installations must not obstruct views of historically significant landmarks
- f. Applications must include a review by the Planning, Zoning, and Historical Appropriateness Commission (PZHAC) in addition to PAC approval

Residential One Zone (R1)

- a. Public art should prioritize themes that promote community, nature, or neighborhood identity
- b. All decisions by PAC are final

Rural Agricultural (RA) & Rural Farm (RF) Zones

- a. Artwork should complement the natural or agricultural environment, using organic or rustic materials where possible
- b. Large installations visible from public roads may require additional review to ensure compatibility with rural landscapes
- c. Murals on barns or silos are permitted but must not contain commercial advertisements unless pre-approved by PAC
- d. All decisions by PAC are final

Commercial Zone (C)

- a. Each individual installation will be reviewed on a case-by-case basis
- b. If advertising a business, the art must meet the requirements of the signage ordinance (18.65)
- c. Applications must include a review by the Planning, Zoning, and Historical Appropriateness Commission (PZHAC) in addition to PAC approval

Property-Specific Requirements

Public Property

- a. All public art on Town property must be approved by PAC and funded through grants, sponsorships, or Town budget allocations
- b. Maintenance responsibilities will be determined prior to installation
- c. Artwork in parks or open spaces must not interfere with public access or recreation

Private Property

- a. Property owners seeking to install public art visible from public areas must submit an application to Community Development
- b. If located within a zone with special regulations (e.g., Historic), compliance with those rules is required

Application Process

- a. Applicants must submit:
 - Application for public artwork to the Community Development Department
 - A detailed proposal including sketches, dimensions, materials, and themes
 - Written consent from the property owner (if applicable)
 - Maintenance plans and a budget (if applicable)
 - Application fee: \$35
- b. The PAC will review proposals within 30 days and consult with relevant boards (i.e., PZHAC if in a historic zone)
- c. Appeals can be made to the Mesilla Board of Trustees if a proposal is denied

Maintenance and Removal

- a. All public art must be kept in good condition. The Town reserves the right to order the repair, restoration, or removal of deteriorated or unsafe works
- b. Art may be removed if it violates Town codes, is defaced, or if the property owner requests its removal (subject to conditions of approval)

Enforcement and Penalties

- Violations of this ordinance may result in fines up to \$500 (1.05.080), removal of unauthorized works (at the owner's expense), or other actions as deemed necessary by the Community Development Department

Role of the Public Arts Committee (PAC)

1. Purpose

The PAC is tasked with ensuring that public art enhances the cultural, historical, and aesthetic values of the Town while aligning with community standards and regulations

2. Membership

The committee shall serve at the pleasure of the Board of Trustees upon recommendation by the Mayor and will consist of:

- One representative from the Mesilla Board of Trustees (to serve as Chair)
- One representative from the PZHAC (to serve as Vice Chair)
- One local artist or art professional

- One community member with an interest in public art
- One representative from the business or nonprofit community

3. Duties

- Review and approve public art applications
- Provide recommendations for art placement and design
- Ensure compliance with zone-specific guidelines
- Engage the community in public art planning and decision-making
- Collaborate with the Town's PZHAC and Board of Trustees

4. Meetings

The PAC shall meet monthly or as needed to review applications and conduct other business. Meetings will be open to the public to encourage transparency and community input. All meetings must follow the requirements of the Open Meetings Act

5. Oversight and Reporting

- The PAC will report quarterly to the Mesilla Board of Trustees on its activities, approved projects, and any challenges or opportunities for public art development
- It will also recommend updates to the ordinance if needed