

Relaxing city policy on murals

By Mary Kitch, *The Oregonian*
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A mural depicting the Rev. Martin Luther King Jr. looks down on a parking lot on MLK Boulevard in Northeast Portland.

Portland's gray, blank walls demand splashes of creativity

Murals are a uniquely exuberant art form. They jazz up a city, force dead walls to talk and often broadcast a community's aspirations.

Sometimes they illuminate what would otherwise be secret -- a neighborhood's heart and soul.

But, sadly, the city of Portland is seriously mural-deprived. Many mural artists live here, but as they'll be happy to tell you, they're un- or at least under-employed. In an effort to keep the clamps on ugly billboards and signs, the city has also put a cramp on their artsy, bohemian cousins -- murals. Now it appears that's about to change.

Last week, the Portland City Council held a public hearing on an innovative package of rules -- years in the making -- that should spur the creation of hand-painted and hand-tiled murals, no matter what their message might be.

And, yes, that's the trade-off.

To loosen restrictions on murals, the city also has to be willing to accept more with a commercial intent. Under the Oregon Constitution, which broadly protects free expression, the city cannot say "no" to advertising and "yes" to art. It cannot pick and choose between different forms of speech, based on content.

For many years, the city tried to do that by defining murals as painted wall decorations that do not include text, trademarks, logos and numbers. But the state constitution prohibits restrictions on the right "to speak, write or print freely on any subject whatever."

And any subject means any subject. Eleven years ago, the city found that out the hard way.

The billboard company now known as Clear Channel sued the city for allowing murals in places where it does not allow signs. A judge found that city rules illegally distinguished between artistic and commercial speech.

The city then had to choose between waiving its sign code or treating murals

as strictly as it does signs. The city went with the latter. The new policy had a chilling effect on murals. To get around this problem, in 2005, the city began redefining some murals as public art under the auspices of the Regional Arts and Culture Council. It wasn't a bad solution; at least 25 murals have been created under this program. But the guidelines are fairly steep. They elevate murals almost too much.

The new rules aim to simplify and speed the treatment of murals (though in Portland, the process of approvals is never truly simple). Still, instead of regulating what the murals say, the new rules regulate how they are made, their size and how long they have to stay in place (five years). The rules also say that murals cannot be displayed in exchange for ongoing compensation.

Clearly, the city's intent is to encourage as much original art as possible but to do so in a way that is consistent with the state constitution. Yet even with the new restrictions, some commercial messages will now be conveyed -- and that's OK. With these regulations, the city has made a certain amount of peace with that fact.

Certainly, the recent dispute over the downtown "Made in Oregon" sign is another reminder that people not only enjoy signs, regardless of whether they have a commercial intent, but they can even become passionately attached to them. Handmade murals are likely to provoke similar enthusiasms, no matter their message, if they attain a certain level of artistic skill.

The council should approve the new regulations and let murals once again blossom in Portland.

Let those blank walls tell us what's on their minds.