

Mr. Mayor and City Council Members

Subject: Agenda Item 5.1/Time to Rethink the City's Approach to Murals and Signage

The ongoing mural debate in Grand Forks has revealed that our current sign code is outdated, overly broad, and poorly equipped to handle modern forms of expression.

This didn't start as a legal showdown. It began in 2023 when Valley Middle School attempted to follow the proper process for a student mural project. At the time, the sign code was interpreted in a way that appeared to restrict the proposed artwork. More recently, the issue escalated into a disagreement over a simple painted wall on the North Dakota Vision Services property. What should have been a community-building effort became entangled in unclear authority, outdated regulations, and misapplied rules.

First, it's important to recognize that city zoning does not apply to state-owned land. This is affirmed by multiple North Dakota Attorney General opinions and long-standing legal precedent both in-state and nationally. Attempting to enforce local zoning against UND, ND Vision Services, or other state entities is not just a legal overreach—it wastes public resources and is unlikely to succeed.

Second, our sign code is not aligned with current law. Much of it predates key federal rulings that limit how municipalities can regulate non-commercial speech. Even the mural section, which was rewritten in 2018 to *encourage* murals, has since been interpreted in ways that further restrict them. As it stands, the same rules written to govern commercial signage are now being applied to public art—affecting murals at schools, small business artwork like the Red Pepper's, and other community-minded efforts.

We're also seeing the consequences of imprecise and inconsistent code language. For example, when the mural section was revised in 2018, the City Council intentionally chose the word "abutting" rather than "adjacent" when referring to murals visible from public rights-of-way. Yet in recent discussions, the broader and vaguer term "adjacent" has returned—even though the mural currently at issue does not abut a right-of-way. It's a moot point, given the state ownership of the site, but it illustrates how easily confusion arises when the code isn't applied as written.

Murals are not advertising and should not be treated as such. Even something as simple as a "Welcome" sign or "Merry Christmas" decoration on a home—while unlikely to be flagged—could technically fall under the current sign code's broad definition. Residents and staff alike deserve clarity and consistency in how these rules are interpreted and enforced.

We also must consider the broader principle of expression. Take the well-known polka dot house in Grand Forks—an artistic choice that's certainly unconventional and, yes, may not appeal to everyone. But the average resident's discomfort is not reason enough for the city to restrict that kind of creative self-expression on private property.

That house is a reminder of the diversity in taste and personality that gives a city character—and a sign of where regulation should stop.

Concerns about property values and neighborhood character are valid. But we must also recognize the limits of how far the city should go in restricting one property's choices based on another's preferences. Our community already tolerates a wide range of architectural styles, landscaping choices, and exterior colors. Artistic expression deserves the same space to exist.

Rather than continuing to patch outdated language, the Planning Department and Planning & Zoning Commission should use this moment to explore a fresh and more appropriate approach. That could include reviewing the American Planning Association's model sign code for ideas—particularly where it distinguishes between on-premises and off-premises signs—and considering separate, well-crafted guidelines for public art and murals.

Cities across North Dakota are already embracing this. Fargo has become a statewide leader in welcoming public art with dozens of vibrant murals, none of which are regulated as signage. And in Mandan, the well-known *Lonesome Dove* mural on the side of a saloon has become a regional landmark—not a zoning violation. These communities recognize that murals contribute to culture, identity, and even economic vitality.

This is an opportunity for Grand Forks to modernize its sign regulations, reduce legal risk, and reaffirm its support for thoughtful expression, fairness, and community pride.

— *Brendan Gilmore, Grand Forks*