

## Chapter 12 CULTURAL AFFAIRS

### ARTICLE I. IN GENERAL

**Secs. 12-1—12-18. Reserved.**

### ARTICLE II. PUBLIC ART AND PUBLIC MURALS

#### Sec. 12-19. Purpose.

This article provides for the placement of public art and public murals.

(Ord. No. 2020-813, § 1, 4-6-2020)

#### Sec. 12-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means any change to a public mural, including, but not limited to, any change to the images, materials, colors or size of the public mural. The term "alteration" does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time or after damage resulting from vandalism.

*Art easement* means an easement given by a property owner to the city to provide for placement of public art.

*Artist* means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art and who is not a member of the public arts commission.

*Artwork* means all forms of original creations of visual art, including, but not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage.

*City building* means any building owned or leased by the city, or area therein, which is open to the public; provided, however, the term "city building" does not include parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary purpose of displaying historical artifacts, cultural items, or works of art.

*City manager* means the city manager or the city manager's designee.

*Keizer Event Center* means interior hallway walls at the Keizer Event Center located at 930 Chemawa Road Northeast, Keizer, Oregon.

*Public art* means original artwork which is accessible to the public and/or public employees and which has been approved as public art by the public arts commission, acting on behalf of the city.

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*Public mural* means an original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to, an exterior wall of a building, which has been approved by the public arts commission and accepted by the city into its public art collection pursuant to this article. A public mural is not an original work of visual art if it is mechanically reproduced or computer-generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, limited images digitally printed on vinyl.

(Ord. No. 2020-813, § 2, 4-6-2020)

### **Sec. 12-21. Application for placement of public mural.**

A property owner or designee in nonresidential zones may apply for placement of a public mural with the public arts commission.

(Ord. No. 2020-813, § 3, 4-6-2020)

### **Sec. 12-22. Application for placement of public art at Keizer Event Center.**

An artist may apply for placement of public art at the Keizer Event Center.

(Ord. No. 2020-813, § 4, 4-6-2020)

### **Sec. 12-23. Application for other public art.**

An artist may apply for placement of public art at other locations, including, but not limited to, statues and sculptures outdoors.

(Ord. No. 2020-813, § 5, 4-6-2020)

### **Sec. 12-24. Review by Keizer Public Arts Commission.**

- (a) The Keizer Public Arts Commission (KPAC) shall review each application and supporting materials, except for applications submitted by the Salem-Keizer School District, the Salem Keizer Education Foundation, or any other student art displays. Subject to scheduling approval, applications submitted by the Salem-Keizer School District, the Salem Keizer Education Foundation, or any other student art displays from schools, educational groups or students approved by the city manager shall be allowed without KPAC approval. In addition, applications submitted by the Keizer Art Association shall be allowed without KPAC approval.
- (b) The public arts commission shall develop specific policies and criteria on which to base such review. These criteria shall include, but are not limited to, artistic quality, originality, context, permanence, diversity, feasibility, scale and community support.
- (c) The public arts commission shall be guided by the policies and criteria adopted by city council resolution, if any.

(Ord. No. 2020-813, § 6, 4-6-2020)

### **Sec. 12-25. Funding/city staff time.**

Unless specifically budgeted for by the city council, any and all actual costs shall be by donation or in-kind work only. City staff time shall be allowed, as directed by the city manager.

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(Ord. No. 2020-813, § 7, 4-6-2020)

**Sec. 12-26. Siting of public mural.**

A public mural obtained pursuant to this article may be sited in, on or about any city building as approved by the city council or other property under the control of or made available to the city by an art easement between the property owner and the city.

(Ord. No. 2020-813, § 8, 4-6-2020)

**Sec. 12-27. Public mural/art easement.**

A property owner who wishes to donate wall space to the public for a public arts commission approved public mural may do so by granting an art easement for placement of a public mural on the building of such property owner to the city. Art easements will be for five or more years. The city council can accept or decline any art easements for public murals which are offered to it. Art easements are managed by the city manager, as with other publicly owned property. The city recorder is responsible for maintaining a written and photographic record of each public arts commission-approved public mural and accepted art easement.

(Ord. No. 2020-813, § 9, 4-6-2020)

**Sec. 12-28. Public mural; creation.**

No person or artist shall commence creation of any public mural without first obtaining approval from the public arts commission and agreeing to donate the public mural to the city's public art collection. Any public mural that is created without approval of the public arts commission, is inconsistent with the conditions of approval from the public arts commission, or is altered without approval is not an allowed public mural and is an infraction under chapter 1, article II.

(Ord. No. 2020-813, § 10, 4-6-2020)

**Sec. 12-29. Location of other public art.**

Public art, other than art placed at the Keizer Event Center, may only be placed at locations approved by the city council. This category includes, but is not limited to, public statues or sculptures located in council-approved areas where the city has been granted license or easement rights, or in public right-of-way areas.

(Ord. No. 2020-813, § 11, 4-6-2020)

**Sec. 12-30. Naming of city-owned art.**

Public art owned by the city or being commissioned for the city may only be named by the artist or, if the artist does not name the art, by the city council.

(Ord. No. 2023-859, § 1(12), 5-15-2023)

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**Sec. 12-31. Abatement of nuisance/citation for infraction.**

The city manager or designee may make an investigation to determine whether a violation of this article has occurred. If the city manager or designee determines that there is a violation of this article, the city manager or designee may proceed to abate the nuisance pursuant to chapter 24, article III or may seek any other legal or equitable remedy provided by law for the abatement of the nuisance or for the enforcement of the provisions of this article, including, without limitation, issuing a citation for infraction.

(Ord. No. 2020-813, § 12, 4-6-2020; Ord. No. 2023-859, § 1(13), 5-15-2023)