

1 A BILL

ORDINANCE NO.

2 2020- 813

3 FOR

4 AN ORDINANCE

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6  
7 PROVIDING FOR PUBLIC ART AND PUBLIC MURALS;  
8 REPEAL OF ORDINANCES NO. 2015-735 AND 2017-767;  
9 DECLARING AN EMERGENCY

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12 The City of Keizer ordains as follows:

13 Section 1. PURPOSE. This Ordinance provides for the placement of Public Art and  
14 Public Murals.

15 Section 2. DEFINITIONS.

16 Alteration: Any change to a public mural, including but not limited to any change  
17 to the image(s), materials, colors or size of the public mural. Alteration does not  
18 include naturally occurring changes to the public mural caused by exposure to the  
19 elements or the passage of time, or maintenance or repair of the public mural that  
20 includes slight and unintended deviations from the original image, colors or  
21 materials that occur when the public mural is repaired due to the passage of time,  
22 or after damage resulting from vandalism.

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24 Art Easement: An easement given by a property owner to the City of Keizer to  
25 provide for placement of Public Art.

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27 Artist: A practitioner in the visual arts, generally recognized by critics and peers  
28 as a professional of serious intent, who produces works of art, and who is not a  
29 member of the Keizer Public Arts Commission.

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31 Artwork: All forms of original creations of visual art, including but not limited to,  
32 painting, sculpture, prints, ceramics, drawings, stained glass, mosaics,  
33 photography, fiber and textiles, calligraphy, mixed media, and any combination of  
34 media, including collage.

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36 City Building: Any building owned or leased by the City, or area therein, which  
37 is open to the public; provided however, "City Building" does not include parking  
38 lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump

1 stations, treatment plants and utility facilities, or buildings that have the primary  
2 purpose of displaying historical artifacts, cultural items, or works of art.

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4 City Manager: The City Manager of the City of Keizer, or the City Manager's  
5 designee.

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7 Keizer Community Center: Interior hallway walls at the Keizer Community  
8 Center located 930 Chemawa Road Northeast, Keizer, Oregon.

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10 Public Art: Original Artwork which is accessible to the public and/or public  
11 employees, and which has been approved as Public Art by the Keizer Public Arts  
12 Commission, acting on behalf of the City of Keizer.

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14 Public Mural: An original, two-dimensional work of visual art, comprised of paint,  
15 ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed  
16 directly to an exterior wall of a building, which has been approved by the Keizer  
17 Public Arts Commission and accepted by the City into its public art collection  
18 pursuant to this Ordinance. A Public Mural is not an original work of visual art if  
19 it is mechanically reproduced or computer generated and printed on a base that  
20 will be attached to the wall, such as, by way of illustration but not limitation,  
21 limited images digitally printed on vinyl.

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23 **Section 3. APPLICATION FOR PLACEMENT OF PUBLIC MURAL.** A property  
24 owner or designee in non-residential zones may apply for placement of a Public Mural  
25 with the Keizer Public Arts Commission.

26 **Section 4. APPLICATION FOR PLACEMENT OF PUBLIC ART AT KEIZER**  
27 **COMMUNITY CENTER.** An Artist may apply for placement of Public Art at the Keizer  
28 Community Center.

29 **Section 5. APPLICATION FOR OTHER PUBLIC ART.** An Artist may apply for  
30 placement of Public Art at other locations, including, but not limited to statues and  
31 sculptures outdoors.

1 Section 6. REVIEW BY KEIZER PUBLIC ARTS COMMISSION.

2 A. Keizer Public Arts Commission (KPAC) shall review each application and  
3 supporting materials, except for applications submitted by the Salem-  
4 Keizer School District, the Salem Keizer Education Foundation, or any  
5 other student art displays. Subject to scheduling approval, applications  
6 submitted by the Salem-Keizer School District, the Salem Keizer Education  
7 Foundation, or any other student art displays from schools, educational  
8 groups or students approved by the City Manager shall be allowed without  
9 KPAC approval. In addition, applications submitted by the Keizer Art  
10 Association shall be allowed without KPAC approval.

11 B. The Keizer Public Arts Commission shall develop specific policies and  
12 criteria on which to base such review. These criteria shall include, but are  
13 not limited to, artistic quality, originality, context, permanence, diversity,  
14 feasibility, scale and community support.

15 C. The Keizer Public Arts Commission shall be guided by the policies and  
16 criteria adopted by City Council Resolution, if any.

17 Section 7. FUNDING/CITY STAFF TIME. Unless specifically budgeted for by the City  
18 Council, any and all actual costs shall be by donation or in-kind work only. City staff  
19 time shall be allowed, as directed by the City Manager.

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1 Section 8. SITING OF PUBLIC MURAL. A Public Mural obtained pursuant to this  
2 Ordinance may be sited in, on or about any City Building as approved by the City Council,  
3 or other property under the control of or made available to the City by an Art Easement  
4 between the property owner and the City of Keizer.

5 Section 9. PUBLIC MURAL/ART EASEMENT. A property owner who wishes to  
6 donate wall space to the public for a Keizer Public Arts Commission approved Public  
7 Mural may do so by granting an Art Easement for placement of a Public Mural on his/her  
8 building to the City. Art Easements will be for five or more years. The City Council can  
9 accept or decline any Art Easements for Public Murals which are offered to it. Art  
10 Easements are managed by the City Manager, as with other publicly owned property. The  
11 City Recorder is responsible for maintaining a written and photographic record of each  
12 Keizer Public Arts Commission-approved Public Mural and accepted Art Easement.

13 Section 10. PUBLIC MURAL; CREATION. No person or Artist shall commence  
14 creation of any Public Mural without first obtaining approval from the Keizer Public Arts  
15 Commission, and agreeing to donate the Public Mural to the City's Public Art collection.  
16 Any Public Mural that is created without approval of the Keizer Public Arts Commission,  
17 is inconsistent with the conditions of approval from the Keizer Public Arts Commission,  
18 or is altered without approval is not an allowed Public Mural and is an infraction under  
19 the Civil Infraction Ordinance.

20 Section 11. LOCATION OF OTHER PUBLIC ART. Public Art, other than Art placed  
21 at the Keizer Community Center, may only be placed at locations approved by the Keizer

1 City Council. This category includes, but is not limited to, public statues or sculptures  
2 located in Council-approved areas where the City has been granted license or easement  
3 rights, or in public right-of-way areas.

4 Section 12. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION. The City  
5 Manager or his/her designee may make an investigation to determine whether a violation  
6 of this Ordinance has occurred. If the City Manager or his/her designee determines that  
7 there is a violation of this Ordinance, he or she may proceed to abate the nuisance pursuant  
8 to the Keizer Uniform Abatement Procedure or may seek any other legal or equitable  
9 remedy provided by law for the abatement of the nuisance or for the enforcement of the  
10 provisions of this Ordinance, including without limitation issuing a citation for infraction.

11 Section 13. SAVINGS CLAUSE. Should any section or portion of this Ordinance be  
12 held unlawful and unenforceable by any court of competent jurisdiction, such decision  
13 shall apply only to the specific section, or portion thereof, directly specified in the  
14 decision. All other sections or portions of this Ordinance shall remain in full force and  
15 effect.

16 Section 14. REPEAL OF ORDINANCES NO. 2015-735 AND 2017-767. Ordinances  
17 No. 2015-735 and 2017-767 shall be repealed in its entirety.

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1 Section 15. EFFECTIVE DATE. This Ordinance being necessary for the immediate  
2 preservation of the public health, safety and welfare, an emergency is declared to exist  
3 and this Ordinance shall take effect immediately upon its passage.

4 PASSED this 6th day of April, 2020.

5 SIGNED this 6th day of April, 2020.

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*Cathy Clark*  
Mayor  
*Annunzio*  
City Recorder