A BILL       ORDINANCE NO.
FOR       2015-735
AN ORDINANCE

PROVIDING FOR PUBLIC ART AND PUBLIC MURALS; REPEAL OF
ORDINANCE NO. 2014-710

The City of Keizer ordains as follows:

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

Section 2. DEFINITIONS.

Alteration: Any change to a public mural, including but not limited to any change
to the image(s), materials, colors or size of the public mural. 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: An easement given by a property owner to the City of Keizer to
provide for placement of Public Art.

Artist: 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 Keizer Public Arts Commission.

Artwork: 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: Any building owned or leased by the City, or area therein, which
is open to the public; provided however, “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: The City Manager of the City of Keizer, or the City Manager's designee.

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

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

Public Mural: An original, two-dimensional work of visual art, comprised of paint, ceramic or glass tiles, or tesseare, executed by hand directly upon, or affixed directly to an exterior wall of a building, which has been approved by the Keizer Public Arts Commission and accepted by the City into its public art collection pursuant to this Ordinance. 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.

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

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

Section 5. 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.

Section 6. REVIEW BY KEIZER PUBLIC ARTS COMMISSION.

A. Keizer Public Arts Commission shall review each application and supporting materials.
B. The Keizer 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 Keizer Public Arts Commission shall be guided by the policies and criteria adopted by City Council Resolution, if any.

Section 7. 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.

Section 8. SITING OF PUBLIC MURAL. A Public Mural obtained pursuant to this Ordinance 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 of Keizer.

Section 9. PUBLIC MURAL/ART EASEMENT. A property owner who wishes to donate wall space to the public for a Keizer Public Arts Commission approved Public Mural may do so by granting an Art Easement for placement of a Public Mural on his/her building 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 Keizer Public Arts Commission-approved Public Mural and accepted Art Easement.
Section 10. PUBLIC MURAL; CREATION. No person or Artist shall commence creation of any Public Mural without first obtaining approval from the Keizer 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 Keizer Public Arts Commission, is inconsistent with the conditions of approval from the Keizer Public Arts Commission, or is altered without approval is not an allowed Public Mural and is an infraction under the Civil Infraction Ordinance.

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

Section 12. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION. The City Manager or his/her designee may make an investigation to determine whether a violation of this Ordinance has occurred. If the City Manager or his/her designee determines that there is a violation of this Ordinance, he or she may proceed to abate the nuisance pursuant to the Keizer Uniform Abatement Procedure 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 Ordinance, including without limitation issuing a citation for infraction.

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

be repealed in its entirety.

Section 15. EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after
its passage.

PASSED this 8th day of September, 2015.

SIGNED this 8th day of September, 2015.

Cathy Clark
Mayor

Amy Drz
City Recorder