

1 A BILL

ORDINANCE NO.

2015-735

3 FOR

4 AN ORDINANCE

5
6
7 PROVIDING FOR PUBLIC ART AND PUBLIC MURALS; **REPEAL OF**
8 **ORDINANCE NO. 2014-710**

9
10 The City of Keizer ordains as follows:

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

13 Section 2. DEFINITIONS.

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

21
22 Art Easement: An easement given by a property owner to the City of Keizer to
23 provide for placement of Public Art.

24
25 Artist: A practitioner in the visual arts, generally recognized by critics and peers
26 as a professional of serious intent, who produces works of art, and who is not a
27 member of the Keizer Public Arts Commission.

28
29 Artwork: All forms of original creations of visual art, including but not limited to,
30 painting, sculpture, prints, ceramics, drawings, stained glass, mosaics,
31 photography, fiber and textiles, calligraphy, mixed media, and any combination of
32 media, including collage.

33
34 City Building: Any building owned or leased by the City, or area therein, which
35 is open to the public; provided however, "City Building" does not include parking
36 lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump
37 stations, treatment plants and utility facilities, or buildings that have the primary
38 purpose of displaying historical artifacts, cultural items, or works of art.

1 City Manager: The City Manager of the City of Keizer, or the City Manager's
2 designee.

3
4 Keizer Community Center: Interior hallway walls at the Keizer Community
5 Center located 930 Chemawa Road Northeast, Keizer, Oregon.

6
7 Public Art: Original Artwork which is accessible to the public and/or public
8 employees, and which has been approved as Public Art by the Keizer Public Arts
9 Commission, acting on behalf of the City of Keizer.

10
11 Public Mural: An original, two-dimensional work of visual art, comprised of paint,
12 ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed
13 directly to an exterior wall of a building, which has been approved by the Keizer
14 Public Arts Commission and accepted by the City into its public art collection
15 pursuant to this Ordinance. A Public Mural is not an original work of visual art if
16 it is mechanically reproduced or computer generated and printed on a base that
17 will be attached to the wall, such as, by way of illustration but not limitation,
18 limited images digitally printed on vinyl.

19
20 Section 3. APPLICATION FOR PLACEMENT OF PUBLIC MURAL. A property
21 owner or designee in non-residential zones may apply for placement of a Public Mural
22 with the Keizer Public Arts Commission.

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

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

29 Section 6. REVIEW BY KEIZER PUBLIC ARTS COMMISSION.

30 A. Keizer Public Arts Commission shall review each application and
31 supporting materials.

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

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

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

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

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

1 Section 10. PUBLIC MURAL; CREATION. No person or Artist shall commence
2 creation of any Public Mural without first obtaining approval from the Keizer Public Arts
3 Commission, and agreeing to donate the Public Mural to the City's Public Art collection.
4 Any Public Mural that is created without approval of the Keizer Public Arts Commission,
5 is inconsistent with the conditions of approval from the Keizer Public Arts Commission,
6 or is altered without approval is not an allowed Public Mural and is an infraction under
7 the Civil Infraction Ordinance.

8 Section 11. LOCATION OF OTHER PUBLIC ART. Public Art, other than Art placed
9 at the Keizer Community Center, may only be placed at locations approved by the Keizer
10 City Council. This category includes, but is not limited to, public statues or sculptures
11 located in Council-approved areas where the City has been granted license or easement
12 rights, or in public right-of-way areas.

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

20 Section 13. SAVINGS CLAUSE. Should any section or portion of this Ordinance be
21 held unlawful and unenforceable by any court of competent jurisdiction, such decision

1 shall apply only to the specific section, or portion thereof, directly specified in the
2 decision. All other sections or portions of this Ordinance shall remain in full force and
3 effect.

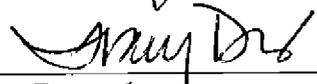
4 Section 14. REPEAL OF ORDINANCE NO. 2014-710. Ordinance No. 2014-710 shall
5 be repealed in its entirety.

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

8 PASSED this 8th day of September, 2015.

9
10 SIGNED this 8th day of September, 2015.

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14 _____
15 Mayor

16 
17 _____
City Recorder