



**Applicant Information**

Name: \_\_\_\_\_ Organization Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner Information**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Zoning District \_\_\_\_\_

**Supplemental Documents**

Accompanying this application please provide the following supplemental documents on the project:

1. Written and signed document from property owner indicating they have reviewed and approved the proposed design and a maintenance plan for the installation on their exterior building wall or permanent wall structure.
2. A color photo of the wall and a building elevation drawn to scale that identifies the wall on which the mural is proposed, location of existing and proposed murals, both the wall and mural dimensions and the location and direction for any lights to be installed. Photographs of the site location and its immediate surroundings.
3. Identify the type of paint to be used and, if it is to be applied to brick masonry walls, that it is durable, easy to apply and have good adhesive characteristics. It should be porous if applied on exterior masonry, thereby permitting the wall to breathe and preventing the trapping of free moisture behind the paint film.
4. A narrative that includes a written description of the proposed mural, the project timeline, budget, and funding sources.
5. A maintenance plan that includes the proposed timeline or lifespan of the mural, information on the wall preparation, the materials and processes that will be used to install the mural, a description of the protective coating that it will be applied to ensure the longevity and durability of the mural, and a statement that the necessary coating will be applied to the building or structure to preserve the integrity of the building, structure, and mural.
6. A list of persons and/or organizations involved in the installation of the mural.
7. A resume or biography for each artist involved in the design of the mural and a list of examples of previous work that includes the location, budget, year completed, past history of execution, and a brief description of the artist's role in the project (e.g. lead, collaborator, assistant.)

## Mural Application

8. A signed agreement from the artist and the property owner agreeing to the Maintenance and Removal of the Artwork Agreement ("Maintenance Agreement") provided by the City of Oregon and a signed waiver of rights under the Federal Visual Artists' Rights Act ("VARA").

## The Process

1. Submit the application and supporting documents to the Public Arts Commission
2. The Public Arts Commission (PAC) will review the application at their next regularly scheduled meeting.
3. If the proposed mural will be on a public building, the PAC will provide a recommendation that will be forwarded on to the City Council for their review and consideration.
4. If approved, the applicant will be notified.

## Prohibitions

1. Murals may not extend beyond or project above the vertical or horizontal line of any wall onto which the mural is painted or affixed so as to not create a safety hazard to the public.
2. Murals in a public-right-of-way
3. Murals of any material characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" or which are sexually oriented.
4. Murals shall not create a public safety issue, such as a distraction to drivers.

Property owners are responsible for ensuring permitted murals are maintained in good condition and repaired in case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed. Any associated materials used to affix or secure the mural to the wall must be removed at the time the mural is removed. Including, but not limited to mounting hardware, brackets, caulk or grout, adhesives or glues.

## **28.14.010 Murals**

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HISTORY

*Adopted by Ord. [2023-010](#) on 7/25/2023*

### **28.14.010 Purpose**

The purpose of this code shall be to establish a Public Art Mural Program for the City of Oregon, which shall be administered by the City of Oregon's Public Arts Commission. the purpose of the Public Art Mural Program shall be to enhance the City's aesthetic appeal, increase vitality and stimulate interest in the City by placing public artwork, in the form of murals, upon public and private property throughout the City of Oregon. This code shall establish regulations, standards of review, and application procedures for the proposed placement of such murals within the City of Oregon.

HISTORY

*Adopted by Ord. [2023-010](#) on 7/25/2023*

### **28.14.020 Definitions**

For the purposes of this Article, the following terms shall have the following meanings:

**Applicant**– An individual artist or group of artists, a property owner or lessee, or a not-for-profit organization that submits an application for the placement of a mural on public or private property located in the City of Oregon.

**City Property** – Buildings, roadways and public right-of-ways owned by the City of Oregon.

**Mural** – A painting or work of graphic art or combination thereof, affixed to or created directly on an exterior structure or building façade, which is visible from the public right-of-way, and which does not contain any advertising symbols, slogans, or trademarks and does not directly or indirectly advertise or call attention to any business, product or service. Murals are not considered signs as defined in the City of Oregon Sign Ordinance.

**Permit** – A written authorization required by the City to perform an action or initiate, continue, or complete a project.

**Property Owner** – A person or applicant, including any successors or assigns, who legally owns or leases any property for which an application is submitted for the placement of any mural, pursuant to the Public Art Mural Program.

**Public Arts Commission** – The City of Oregon Planning and Zoning commission, established by Chapter 2.24.10 of the Oregon Municipal Code, authorized to implement a citywide plan for the promotion and placement of public art and to procure and install new public artwork, such as murals, throughout the City.

**Right-of-way** – The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use.

Waiver – A written instrument executed by the artist specifically and expressly setting forth and waiving the artist’s rights under the Visual Artists’ Rights Act of 1990 with regard to an identified work of art created by the artist.

HISTORY

Adopted by Ord. [2023-010](#) on 7/25/2023

**28.14.030 Permit Required**

- A. No person, Applicant or Property Owner shall place, construct or install a mural upon any structure, building or property located within the City without a permit. An Applicant shall submit an application in order to obtain a permit from the City to place, construct or install a mural upon any structure, building or property located within the City. An application shall be received, reviewed and approved or denied by the Public Arts Commission, and the permit issued shall be subject to the following conditions and requirements contained in this Code.
- B. The duration of a permit shall be for maximum period of five (5) years, and the permit shall be automatically renewed for additional one (1) year periods unless the City makes a finding that the mural does not comply with the applicable City codes or any provision, condition or requirement contained in this Code.

HISTORY

Adopted by Ord. [2023-010](#) on 7/25/2023

**28.14.040 Application Procedure**

- A. Application Submission. An Applicant prior to submitting a Public Art Mural Program application, shall, if requested by the City, meet with City Staff for an initial review of the proposed mural installation. City Staff may recommend a consultation with the City of Oregon Public Arts Commission prior to the submission of an application. An Applicant shall provide the following information to the City, together with a completed Public Art Mural Program application, as a condition of any permit application, in order to place or install a mural upon any building, structure or property located within the City:
  - 1. A color rendering of the proposed mural, including dimensions and a site rendering of the wall or facade upon which the mural will be painted or affixed.
  - 2. The location where the proposed mural would be installed and photographs of the site location and its immediate surroundings.
  - 3. A narrative that includes a written description of the proposed mural, the project timeline, budget and funding sources.
  - 4. A maintenance plan that includes the proposed timeline or lifespan of the mural, information on the wall preparation, the materials and processes that will be used to install the mural, a description of the protective coating that it will be applied to ensure the longevity and durability of the mural, and a statement that the necessary coating will be applied to the building or structure to preserve the integrity of the building, structure, and mural.
  - 5. A list of persons and/or organizations involved in the installment of the mural.
  - 6. A resume or biography for each artist involved in the design of the mural and a list of examples of previous work that includes the location, budget, year completed, past history of execution, and a brief description of the artist's role in the project (e.g. lead, collaborator, assistant.)

7. A signed agreement from the artist and the property owner agreeing to the Maintenance and Removal of the Artwork Agreement ("Maintenance Agreement") provided by the City of Oregon and a signed waiver of rights under the Federal Visual Artists' Rights Act ("VARA").

B. Application Review. Upon the receipt of a completed Public Art Mural Program application, and all documentation and information required by this section, the Public Arts Commission shall hold a public meeting at which the Applicant shall make an official presentation for the placement or installation of a mural, pursuant to the Public Art Mural Program. The criteria that shall be considered by the Public Arts Commission in determining whether to recommend an application for approval shall include, but not limited to, the following:

1. Artist Quality: strength of the artist's concept and demonstrated craftsmanship.
2. Context: contemporary relevance, including but not limited to community connection, architectural, geographical, social-cultural and historical.
3. Feasibility: budget, timeline, experience, etc.
4. Originality: the mural must be unique, and not a replication or reproduction of other's work.
5. Permanence: will be installed in a manner to meet the proposed lifespan of the mural, resistance to vandalism and weather, maintenance plan.
6. Public Input: Evidence of public support in encouraged.
7. Scale: appropriateness of scale to the surrounding neighborhood and structure.
8. Signage: The proposed mural shall not include commercial content and is not a sign as defined in section 28.04.010 of the Oregon City Code.
9. Suitability: appropriateness to surrounding neighborhood, especially how it serves to activate or enhance public space.
10. Technical proficiency: technical skills and artistic experience.

C. Application Recommendation. For each application submitted and considered pursuant to the Public Art Mural Program, the Public Arts Commission shall, within sixty (60) days of the close of the public meeting at which the application was presented, report its findings and recommendation to the City Manager. The Public Arts Commission shall have the authority to approve the mural and based upon such approval the City shall issue a permit for the installation of the mural.

#### HISTORY

Adopted by Ord. [2023-010](#) on 7/25/2023

### **28.14.050 Mural Requirements And Conditions**

A. Guidelines for the Public Art Mural Program. The Guidelines for the Public Mural Art Program adopted by the Public Arts Commission shall be adhered to by all applicants and artists participating in the Public Art Mural Program. These guidelines may be amended as required by the Public Arts Commission.

B. Mural Requirements. Every Applicant must comply with the following requirements:

1. Use media that ensures mural longevity and durability.

2. Paint on a surface and structure that is stable and ready (or will be stable and ready) for painting.
3. Use acceptable graffiti/UV coating on the finished mural that provides resistance to vandalism and weather.
4. Create a mural that is accessible to the public.
5. Provide a Maintenance Agreement signed by the property owner and VARA waiver signed by the artist. The property owner is required to maintain, repair or otherwise keep the mural installed in a condition acceptable to the City and in compliance with all codes and ordinances.
6. Mural must be viewable by the public and meet any applicable accessibility codes.

C. Installation and Maintenance. The Property Owner shall maintain, repair, or otherwise keep the mural in a condition that is acceptable to the City and in compliance with all city codes and ordinances. If the Property Owner fails to maintain, repair or otherwise keep the mural in such condition, then the City shall be permitted to enter upon the property in order to maintain, repair or remove the mural, as necessary, after the Property Owner receives seven (7) days' written notice. The Property Owner shall be liable for any and all costs of the repairs, maintenance, or removal of the mural incurred by the City from the failure of the Property Owner to maintain, repair or otherwise keep such good condition.

D. Removal. If the City determines that the mural represents a hazard to the public health and safety or a nuisance, then in its sole discretion, the City may require the Property Owner to remove the mural at any time. If the Property Owner fails to remove the mural, then the City may remove the mural, in order to abate the public health and safety hazard or nuisance.

E. Advertising Prohibited. Advertising symbols, slogans, or trademarks that directly or indirectly advertise or call attention to any business, product or service shall be prohibited from inclusion in any mural within the City. Inclusion of any such advertising shall be grounds for removal of the mural by the City. This prohibition shall not include information identifying the artist, the title of the mural or the year that the mural was created. Such information may be included in the mural but shall be limited to an area no larger than two feet by two feet in size.

#### HISTORY

Adopted by Ord. [2023-010](#) on 7/25/2023

### **28.14.060 Indemnification**

An Applicant or Property Owner shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the installation or placement of any mural on any property pursuant to the Public Art Mural Program, or its employees, agents, or contractors arising out of the rights and privileges granted under this Article. An Applicant or Property Owner has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. An Applicant or Property Owner shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

#### HISTORY

Adopted by Ord. [2023-010](#) on 7/25/2023