

# PROPOSED RULE

CITY OF SALEM

DEPARTMENT OF PUBLIC WORKS

ADMINISTRATIVE RULE

CHAPTER 109

DIVISION 900

## SALEM STREET PAINTING PROGRAM

### **Definition**

Street paintings are large, decorative paintings installed directly on the street pavement. They may span a portion of a street, or an entire intersection or block. In communities where these have been installed, these paintings have included themes related to animals, flowers, trees, geometric designs, and more. In addition to the aesthetic beauty of the paintings themselves, they build community and relationships among neighbors and create a sense of place.

Street paintings are for the aesthetic improvement of the area. They are intended to be a part of the neighborhood—its identity and aesthetic. They should create a positive feature of the neighborhood, be supported and welcomed by neighbors, and create a sense of community. As such, their design may not include regulatory, safety, informational, religious, or political messages. Street paintings are not intended to affect traffic volumes or speeds.

Below are a few examples of street paintings.





## Design Criteria and Approved Locations

Artists and neighbors are free to experiment with any street painting design within the parameters of the following design criteria.

1. **Location.** Street paintings may be applied to any public street, or portion thereof, designated in the *Salem Transportation System Plan* as a Local Street, Cul-de-Sac, or Alleyway.<sup>1</sup> Street paintings may be applied to any intersection where both streets are designated as a Local Street, Cul-de-Sac, or Alleyway. Street paintings may not be applied to any pervious surface regardless of street designation.
2. **Crosswalks.** Street paintings may be applied within the boundaries of a pedestrian crosswalk, if it meets all other location criteria listed in No. 1, above.
3. **Limits.** Designs must be limited to the street's surface and shall not cover existing regulatory pavement markings, including bike lanes, and sharrows (shared-lane markings). Designs shall not extend to, or include painting on curbs, gutters, planting strips, bridges, ADA ramps, speed humps, water berms, or sidewalks.
4. **Buffers.** Designs on street segments shall maintain a 50-foot buffer from approaches and departures to signalized intersections or to the stop-controlled leg of an intersection, and a 10-foot buffer from speed humps. Designs within an intersection shall maintain a 10-foot buffer beyond stop bars and marked crosswalks.
5. **Speech.** Designs shall not contain words in any language, letters from any alphabet, numbers, universally recognized signs, symbols, emblems, or logos of any kind.
6. **Copyrighted materials.** Designs shall not contain, in whole or in part, any copyrighted materials.

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<sup>1</sup> Street painting proposals may be allowed on private streets but must first be approved by the corresponding homeowner's association prior to submittal of an application.

7. Traffic control. Designs shall not mimic traffic control devices or attempt to control motorized or non-motorized travel.
8. Three-dimensional art. Designs shall not create an illusion that may be misinterpreted as a safety hazard by a motorist or bicyclist.

### **Approval Process**

Proposals for street paintings shall be submitted to the Public Works Director for review and approval. Street paintings meeting the design and location criteria and supported by the abutting and adjacent property owners shall be approved. The Director's decision shall be final.

Applications shall include:

1. Location of the proposed painting.
2. A precise drawing of the design overlaid on the street where it is to be painted. The design must include:
  - a. length, width, and distances from curbs and regulatory pavement markings, and
  - b. actual colors of the paint to be used.
3. Evidence of notice of the proposed street painting to abutting and immediately adjacent property owners. An abutting property shall be defined as a property whose boundaries front all, or any portion of, the proposed painting. An adjacent property is any property sharing a border with an abutting property with frontage on the street to be painted. (Property owner address labels to be provided by the Public Works Department.)
4. Abutting and adjacent property owners will be provided with sufficient time to object to the proposed street painting. The proposed street painting shall be denied if objections are received from more than 40 percent of the abutting and adjacent property lots.
5. Confirmation that construction work at the site is not anticipated in the next three years (provided by the Public Works Department).

### **Installation and Maintenance**

1. Street closure permit required. Installation of a street painting requires a street closure plan and permit. The Public Works Department will develop the street closure plan and provide barricades and signage.
2. Application and cleanup. Painting and cleanup must be done in a manner that does not allow any paint to enter the storm drain system, water body, or wetland.

3. Nonreflective and non-luminescent. Paints used in street paintings cannot be reflective, retroreflective, or luminescent.
4. Slip resistance. Paints used in street paintings must include additive(s) for slip resistance. (Oregon Standard Specifications for Construction (2021), page 937).
5. Maintenance. There is no minimum maintenance requirement for street paintings. Neighborhoods may choose to maintain their street art or not, either by periodically freshening it up, or letting it slowly fade. Maintenance activities will require street closure plans and permits as discussed in No. 1, above. Maintenance of an existing street painting shall not cause it to deviate substantially from the originally approved submittal and will follow all the requirements set forth in the design criteria. The City will not maintain the painting, nor restore it in the event of construction in the area, a utility cut or maintenance project, or due to graffiti abatement. The City will also not be responsible for any damage to a street painting caused by municipal operations, including street sweeping and snow plowing.