

Sec. 15.010. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means 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. The term "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.

*Artist* means 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 improvement project's architectural firm or the Salem Public Art Commission. The term "artist" shall include an artist's agent and a representative of the estate of an artist.

**Building means a roofed and walled structure built for permanent use intended to support sheltering, storage, or occupancy.**

*City building* means any building owned or leased by the City, or area therein, which is open to the public; provided, however, The term "city building" does not include motor pools, surface 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* means the City Manager of the City of Salem, or the City Manager's designee.

*Deaccessioning* means relinquishing title to a work of public art.

*Eligible costs* means the costs for completion of an improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. The term "eligible costs" does not include costs for land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees.

*Eligible funds* means any funds expended by the City, from whatever source, for an improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

*Improvement project* means any project paid for wholly or in part by the City where the amount of eligible funds equals \$100,000.00 or more for the construction, rehabilitation,

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remodeling, improvement or purchase of a City building. An improvement project does not include maintenance and repair projects or remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical systems.

*Oregon artist* means an artist that makes Oregon his or her primary residence or principal place of business.

*Public art* means original works of art owned or acquired by the City and accepted into the City's public art collection by the Salem Public Art Commission.

*Public mural* means an original, two-dimensional, **relative to the plane of the wall upon which the mural is affixed**, work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to, an exterior wall of a building, which has been approved by the Salem Public Art Commission and accepted by the City into its public art collection pursuant to this chapter. 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.

*Restricted funds* means funds whose use is restricted by law for a particular location, area, project, or purpose, such as general obligation bond or other bond proceeds, or urban renewal tax increment revenue.

*Street painting* means a large, decorative painting installed directly on street pavement. The term "street" is used as defined in SRC 76.005.

*Works of art* means all forms of original creations of visual art, including and 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.

(Prior Code, § 15.010; Ord. No. 6-10; Ord. No. 10-10; Ord. No. 13-11; Ord. No. 9-16, 6-27-2016; [Ord. No. 16-18](#), § 1(Exh. A), 8-3-2018, eff. 9-12-2018; Ord. No. [8-22](#), § 1(Exh. A), 6-13-2022)