

## Legislation Details (With Text)

**File #:** 22-250      **Version:** 1  
**Type:** Informational Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 6/13/2022      **Final action:** 6/13/2022  
**Title:** Notice of proposed administrative rulemaking to establish the Salem Street Painting Program.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Administrative Rule 109-900 Salem Street Painting Program

Date	Ver.	Action By	Action	Result
6/13/2022	1	City Council	received and filed	

**TO:** Mayor and City Council

**THROUGH:** Kristin Retherford, Interim City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

**SUBJECT:**

Notice of proposed administrative rulemaking to establish the Salem Street Painting Program.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community

**SUMMARY:**

Administrative Rule 109-900 (Attachment 1) is proposed in order to establish an approval process and design criteria, and to clarify the approved locations for street paintings in Salem.

**ISSUE:**

Notice of proposed administrative rulemaking to establish the Salem Street Painting Program pursuant to *Salem Revised Code* (SRC) Chapter 20J.040(a)(3).

## **RECOMMENDATION:**

Information Only

## **FACTS AND FINDINGS:**

The authority to promulgate administrative rules is granted under SRC 20J.030. SRC 20J.040 outlines the procedure for adopting an administrative rule. This procedure requires providing notice of the proposed rulemaking to the City Council along with other methods of public notice. Adopting the administrative rule allows interested persons to be included in the rulemaking process and is in the public interest.

City Council has the authority to review a proposed administrative rule. City Council's authority is limited to determining whether the proposed rule is within the scope of the Code authority, whether the rule is duplicative, or conflicts with another rule or law, or if the proposed rule is outside of the City Manager's administrative rulemaking authority.

The public notice for the proposed administrative rule was mailed to affected parties and posted on May 26, 2022. All public comments were due by June 13, at 2:00 p.m. The administrative rule will become effective on June 13, 2022.

## **BACKGROUND:**

On January 24, 2022, City Council adopted a motion directing staff to create a proposal to establish a Street Painting program in Salem. Street Paintings are paintings that are installed directly on street pavement. To establish a Street Painting program, an exemption in SRC Chapter 900 was required. Staff proposed that street paintings be identified and authorized in SRC Chapters 15 and 900. This required additions to SRC Chapter 15 that define Street Paintings and allow for their placement on streets pursuant to rules promulgated by the Public Works Director (Ordinance Bill 8-22). A public hearing regarding Ordinance Bill 8-22 was conducted by City Council on May 23, 2022. Following the hearing, Council advanced Ordinance Bill 8-22 to a second reading for enactment on June 13, 2022.

Heather Dimke  
Management Analyst II

### **Attachment:**

1. Proposed Administrative Rulemaking 109-900