

Exhibit C

Title 4 Original Art Murals

(Title added by Ordinance 182962, effective July 31, 2009.)

Chapter 4.10 Purpose

4.10.010 Purpose of This Title.

The purpose of this Title and the policy of the City ~~of Portland~~ is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression ~~which~~ that serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

Chapter 4.11 Where These Regulations Apply

(Chapter added by Ordinance 189656, effective September 20, 2019.)

4.11.010 Where These Regulations Apply.

The regulations of this title apply to all ~~O~~ooriginal ~~A~~aart ~~M~~murals installed on sites within ~~the City of~~ Portland. It does not apply to installations that are in the right-of-way, unless the installation is part of a building or structure that extends from the site over a right-of-way.

Chapter 4.12 Definitions

4.12.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 4.12.020 or unless this Title specifically refers to another Title. Words listed in Section 4.12.020 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

4.12.020 Definitions.

(Amended by Ordinance 189656, effective September 20, 2019.)

A. Alteration. Any change to the **P**ermitted **O**original **A**rt **M**mural, including but not limited to any change to the image(s), materials, colors or size of the **P**ermitted **O**original **A**rt **M**mural. “Alteration” does not include naturally occurring changes to the **P**ermitted **O**original **A**rt **M**mural caused by exposure to the elements or the passage of time. Minor changes to the **P**ermitted **O**original **A**rt **M**mural ~~which that~~ result from the maintenance or repair of the **P**ermitted **O**original **A**rt **M**mural ~~shall do not~~ constitute “alteration” of the **P**ermitted **O**original **A**rt **M**mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur when the **P**ermitted **O**original **A**rt **M**mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

B. Changing ~~i~~image **Mmural.** A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

C. Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. “Compensation” does not include:

1. goodwill; or
2. an exchange of value that a property owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the property owner or leaseholder, and the property owner or leaseholder fully controls the content of the mural.

D. Conservation District. A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in [Portland City Code](#) Title 33, Planning and Zoning.

E. Conservation Landmark. A structure, site, tree, landscape, or other object that is of historic or cultural interest at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in [Portland City Code](#) Title 33, Planning and Zoning.

F. Design **Overlay **Z**ones.** These are areas where design and neighborhood character are of special concern. They are identified by having a “d” (Design **O**verlay)

designation on the City's official Zoning Maps, as regulated [in this Code](#) by Title 33, Planning and Zoning.

G. Grade ~~P~~plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane ~~shall~~ [must](#) be established by the lowest points within the area between the building and the lot line or, where the lot line is more than ~~6~~[six](#) feet (1,829 mm) from the building, between the building and a point ~~6~~[six](#) feet (1,829 mm) from the building. This definition is adopted from the Oregon Structural Specialty Code.

H. Historic District. A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in [Portland City Code](#) Title 33, Planning and Zoning.

I. Historic Landmark. A structure, site, tree, landscape, or other object that is of historic or cultural significance, as identified through a historic landmark designation process and mapped as such on the City's inventory of Historic Landmarks. Historic Landmarks are regulated by Title 33, Planning and Zoning.

J. Original ~~A~~[a](#)rt ~~M~~[m](#)ural. A hand-produced work of visual art ~~that~~[which](#) is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building or structure. Original ~~A~~[a](#)rt ~~M~~[m](#)ural does not include:

1. mechanically~~_-~~produced or computer~~_-~~generated prints or images, including but not limited to digitally printed vinyl;
2. murals containing electrical or mechanical components; or
3. changing image murals.

K. Permitted ~~O~~[o](#)riginal ~~A~~[a](#)rt ~~M~~[m](#)ural. An ~~O~~[o](#)riginal ~~A~~[a](#)rt ~~M~~[m](#)ural for which a permit has been issued by the City ~~of Portland~~ pursuant to this Title.

L. Public ~~R~~[r](#)ight-of-~~W~~[w](#)ay. An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public ~~R~~[r](#)ights-of-~~W~~[w](#)ay include passageways such as freeways, pedestrian connections, alleys, and all streets.

Chapter 4.20 Allowed and Prohibited Original Art Murals

4.20.010 Allowed Original Art Murals.

(Amended by Ordinances 185915, 189656 and 191736, effective July 1, 2024.)

Original ~~A~~art ~~M~~murals that meet all of the following criteria and ~~that~~~~which~~ are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. No part of the mural ~~shall~~may exceed 30 feet in height measured from the grade plane.

B. The mural ~~shall~~must remain in place, without alterations, for a period of ~~2~~two years, except in limited circumstances to be specified in ~~the Portland Permitting & Development~~ Administrative Rules. The applicant ~~must~~shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of ~~2~~two years without alteration.

C. The mural ~~shall~~may not extend more than ~~6~~six inches from the plane of the surface upon which it is tiled or painted or to which it is affixed.

D. In Design ~~O~~overlay ~~Z~~zones, the mural ~~must~~shall meet all of the additional, objective ~~D~~design ~~S~~standards for ~~O~~original ~~A~~art ~~M~~murals, as established in ~~the Portland Permitting & Development~~ Administrative Rules.

E. In the Historic Resource ~~O~~overlay ~~Z~~zone, murals may be allowed on buildings or structures that have been identified as non-contributing structures within Historic and Conservation Districts. These murals ~~must~~shall meet all of the additional, objective ~~D~~design ~~S~~standards for ~~O~~original ~~A~~art ~~M~~murals, as established in ~~the Portland Permitting & Development~~ Administrative Rules.

4.20.020 Prohibited Murals.

(Amended by Ordinance 189656, effective September 20, 2019.)

The following are prohibited:

A. Murals on sites developed with residential buildings with fewer than five dwelling units on the site.

B. Murals on sites with historic or conservation landmarks.

C. Murals on sites containing buildings that have been identified as contributing structures to a historic or conservation district.

D. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant ~~must~~shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

E. Murals ~~that~~~~which~~ would result in a property becoming out of compliance with the provisions of Portland City Code Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.

F. Murals on stormwater facilities.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

The exemption of Portland City Code Subsection 32.12.020 J. applies only to ~~O~~original ~~A~~art ~~M~~mural for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an ~~O~~original ~~A~~art ~~M~~mural ~~P~~permit does not exempt the permittee from complying with any other applicable requirements of ~~the~~Portland City Code, including but not limited to Titles 24 and 33.

4.20.040 Exceptions to this Title.

Exceptions to the regulations of this Title are prohibited.

Chapter 4.30 Neighborhood Involvement Process

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

(Amended by Ordinance 191736, effective July 1, 2024.)

The ~~Portland Permitting & Development~~City Administrator ~~may~~ adopt through Administrative Rule a community involvement process requiring an applicant for an ~~O~~original ~~A~~art ~~M~~mural permit to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No ~~O~~original ~~A~~art ~~M~~mural permit ~~shall~~will be issued until the applicant certifies that ~~he or she has~~they have completed the required ~~N~~neighborhood ~~i~~involvement ~~P~~process. This is a process requirement only and in no event will an ~~O~~original ~~A~~art ~~M~~mural permit be granted or denied based upon the content of the mural.

Chapter 4.40 Administrative Rules

4.40.010 Administrative Rules to Be Adopted

(Amended by Ordinance 191736, effective July 1, 2024.)

The ~~Portland Permitting & Development~~City Administrator is authorized and directed to adopt and administer Administrative Rules implementing this Title, and setting forth the substantive and procedural requirements and fees for an ~~o~~Original ~~A~~art ~~M~~Mural ~~P~~permit. Such fees ~~shall~~will in no event exceed the actual costs of administration.

Chapter 4.50 Violations and Enforcement

4.50.010 Violations.

(Amended by Ordinance 191736, effective July 1, 2024.)

It is unlawful to violate any provision of this Title, any Administrative Rules adopted by the ~~Portland Permitting & Development~~ City Administrator pursuant to this Title, or any representations made or conditions or criteria agreed to in an ~~O~~ooriginal ~~A~~art ~~M~~mural permit application. This applies to any applicant for an ~~O~~ooriginal ~~A~~art ~~M~~mural permit, to the proprietor of a use or development on which a permitted ~~O~~ooriginal ~~A~~art ~~M~~mural is located, or to the owner of the land on which the permitted ~~O~~ooriginal ~~A~~art ~~M~~mural is located. For the ease of reference in this Title, all of these persons are referred to by the term "operator."

4.50.020 Notice of Violations.

(Amended by Ordinance 191736, effective July 1, 2024.)

The ~~Portland Permitting & Development must~~ City Administrator will give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

4.50.030 Responsibility for Enforcement.

(Amended by Ordinance 191736, effective July 1, 2024.)

The regulations of this Title, and the conditions of ~~O~~ooriginal ~~A~~art ~~M~~mural permit approvals, ~~shall be~~are enforced by the ~~Director of the Portland Permitting & Development~~ City Administrator ~~pursuant to Chapter 3.30 and Title 22 of the City Code.~~