

Chapter 14.42

PAINTED ART ON LOCAL STREETS

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14.42.010 Local Street Defined.

Local street shall mean a street used for local traffic only as determined by the Director of Public Works and Utilities as defined in Lincoln Municipal Code Section 14.10.050. (Ord. 19341 §1; February 1, 2010).

14.42.020 Purpose and Criteria for Regulations.

The purpose of this ordinance is to promote the public health, safety and welfare through the regulation of the placement, appearance and maintenance of painted designs on city property in local street rights-of-way so as to:

- (a) Make residentially zoned districts attractive environments;
 - (b) Encourage and support neighborhoods to work cooperatively to beautify neighborhoods;
 - (c) Promote traffic safety for neighborhood residents and children in particular by calming vehicular traffic; and
 - (d) Encourage well designed, creative and aesthetically pleasing local street paintings.
- (Ord. 19341 §2; February 1, 2010).

14.42.030 Painting of Local Streets Permitted.

Notwithstanding any provisions of the Lincoln Municipal Code to the contrary and subject to the provisions of this chapter, painting of local streets shall be allowed upon the public property and within the public right-of-way adjacent to all residential zoning districts upon the issuance of a permit by the Director of Public Works and Utilities. (Ord. 19341 §3; February 1, 2010).

14.42.040 Application for Permit.

An application for permit shall be filed with the Director of Public Works and Utilities upon a form provided by the Director for that purpose, and shall include the following information:

- (a) The name, address, and telephone number of the applicant;
- (b) The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's proposed design for the painting of local streets;

(c) A detailed description of the design proposed to be painted which shall include a diagram, photograph or sketch of the design proposed to be painted.

(d) A description of the measures to be taken by the applicant to prevent paint materials from entering the city's storm drain system during the painting and cleanup activities, including appropriate measures to protect each storm drain inlet to which the local street drains for such period of time to allow the paint to dry and a description of the plan for the removal of the protective measures within 48 hours after the completion of the paint application;

(e) A statement that the applicant will, in consideration of being issued a permit for the painting of a local street, agree to release the City and the officers and employees of the City for any loss or damage to the painted design and further agree to hold harmless the City of Lincoln and the officers and employees of the City for any loss or damage arising out of the use of the local street space, or the discontinuance of such use; that the applicant understands that the use of the city street is to be temporary; that the applicant shall not acquire any right, title, or interest in the local street space; that the applicant may be required by the City at any time to remove the painted design placed upon the local street by such applicant, or to reimburse the City for the cost of removing such painted design; and that the applicant shall have no recourse against either the City or its officers or agents for any loss or damage occasioned by the applicant being required to remove the painted design from the local street which the applicant has been granted permission to use;

(f) Any additional information that the Director deems appropriate. (Ord. 19341 §4; February 1, 2010).

14.42.050 Review and Recommendations.

Upon receipt of an application as described in Section 14.42.040, the Director of Public Works and Utilities shall refer the application to the Department of Urban Development, the Urban Design Committee, and, where applicable, to the Health Department, the Historic Preservation Commission or Capitol Environs Commission. Such application shall be reviewed by the Departments or Commissions for the appropriateness of the design and a determination that the proposed design will not pose a hazard to traffic safety or the safety of individuals in the vicinity of the local street. The Department of Public Works and Utilities shall review the application for a determination of whether the materials to be applied to the local street are appropriate for such purpose and the Health Department will review the application for a determination of whether the materials to be applied contain any materials toxic in nature which would cause environmental harm through their placement on the local street. (Ord. 19341 §5; February 1, 2010).

14.42.060 Permit Conditions.

A permit to paint a design on a local street shall be subject to the following conditions:

(a) That painted designs may only be placed on local streets and only in accordance with the design specified on the permit.

(b) That the placement of the painted design is temporary in nature and that the applicant acquires no right, title or interest in the local street to be used.

(c) That the applicant provide a petition of support for the proposed local street painting, which petition must bear the signatures from each of the owners of property adjacent to the area to be painted and at least sixty percent (60%) of the remaining owners of property along the local street frontage(s) within either 300 feet or the distance to the nearest intersection, whichever is less, in each direction from the area to be painted. The Director of Public Works and Utilities may modify the petition boundaries when deemed appropriate and shall also certify the accuracy of the petition.

The Director of Public Works and Utilities may waive the petition requirements upon a showing that a good faith effort has been made to satisfy the requirements but, due to property vacancy or other factor, approval was unable to be obtained.

(d) That the applicant is not authorized to do any excavation as a part of the local street painting.

(e) That the Director of Public Works and Utilities may require the removal of the painted design upon demand and that the use of the local street be discontinued without recourse against the City for any loss or damage occasioned by any such requirement.

(f) That if the painted design is not removed in response to the Director's requirement by the time specified, the City may remove the painted design from the local street at the risk and expense of the applicant.

(g) That the applicant shall notify all households and businesses within such distance from the project as determined by the Director of Public Works and Utilities at least 14 days prior to any painting of the street.

(h) That the permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily. Such permit shall expire upon completion of the project. A new permit will be required to repaint, alter or remove the previously applied painted design, except that the Director of Public Works and Utilities may allow an extension of an existing permit in unusual circumstances.

(i) That the applicant shall obtain permission from the Director of Public Works and Utilities as a part of the permit process to close a local street for one block or a distance to be determined by the Director of Public Works and Utilities as appropriate in order to accomplish the street painting. The applicant shall use Type III barricades and street closed signs as provided in the Manual on Uniform Traffic Control Devices. Any necessary barricades or signs shall be provided, delivered, and picked up by the Department of Public Works and Utilities at no additional cost to the applicant. Street(s) may be blocked for such periods of time as specifically allowed by the Director of Public Works and Utilities.

(j) The local street painting is for a neighborhood purpose and is not for the purpose of advertising any product, goods, or event and is not done for private profit.

(k) The local street painting shall be located only in the exact location described in the approved application.

(l) The permittee shall be responsible for any costs of repair of public property caused by the application of the painted design upon the local street.

(m) The permittee shall be responsible for all costs associated with the painting of the local street including, but not limited to, costs of labor, paint, other materials, and cleanup of the local street area upon completion of the painting. The local street painting shall be under the supervision of the Director of Public Works and Utilities who shall determine the appropriate paint material to be used and method of placement of the painted design within the local street.

(n) The permittee shall maintain at no cost to the City all aspects of the project during the term of the permit.

(o) The permittee assumes all risk in placing the painted design on the local street including any damages, vandalism and/or destruction of the painted design. (Ord. 19341 §6; February 1, 2010).

14.42.070 Suspension or Revocation of Permit.

Any permit issued pursuant to this chapter may be suspended or revoked by the Director of Public Works and Utilities after notice for any of the following causes:

- (a) Fraud, misrepresentation, false statement contained in the application for the permit;
- (b) Violation of this chapter or any of the provisions of the Lincoln Municipal Code;
- (c) Upon demand of the City. (Ord. 19341 §7; February 1, 2010).

14.42.080 Application Fee.

Any person or sponsoring agency or organization requesting a permit under this chapter shall pay to the City an application fee of \$50.00 for each permit. (Ord. 19341 §8; February 1, 2010).