

CITY OF PORTLAND, MAINE

PUBLIC ART COMMITTEE

Guidelines for Temporary Public Art

The City of Portland recognizes the role of public art in contributing to the life of the City and the well-being of its citizens. By engaging with the surrounding environment, public art enriches the spirit, values, and poetry of place. Temporary public art adds to the range and impact of public art, providing a changing array of outdoor installations all year around. The Portland Public Art Committee (PPAC) is the umbrella organization for the Temporary Public Art Guidelines. The guidelines are intended to inform applicants of the process.

A proposal to display a work of art temporarily on City owned property must be approved by a temporary art review panel established pursuant to these guidelines. Only artists who are 18 years or older shall be eligible to apply. An applicant must adhere to the following application, installation, and removal process. The review panel has the authority to approve applications, approve applications subject to conditions, and to reject applications. An installation permit will be issued by the Department of Planning & Urban Development following approval of an application by the review panel.

Eligibility

For the purpose of these guidelines temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting damage to the existing site. **A request for an extension of up to one additional year may be considered, although a request for extension may not be considered at certain sites or public right-of-way.**

The appropriateness of subject matter and quality of workmanship are of utmost importance. Works will only be approved if they are suitable for display to the general public and for the particular site. Works shall not be displayed for commercial purposes, and shall not be advertised for sale while on public display. Credit for sponsorship of the temporary installment may be recognized on approved signage. Artists 18 years and older may apply, with consideration for school-aged applicants provided a guardian as a primary applicant. Artists must demonstrate capacity to execute, install and remove proposed pieces.

Site Selection

The City of Portland's public spaces include historic landscapes, pocket parks, open spaces, and trails which vary in dimensions, natural elements, and historic character. The placement of temporary art should respect and enhance the organic character of the site, and must not result in either physical or aesthetic damage to the landscape. In proposing sites for temporary public art, applicants should consider the following:

- Placement should be in a public space;
- If more than one site is appropriate for a particular installation, it should be identified in the application;
- Final approval of an installation is contingent upon the appropriateness of the proposed site, including adequate visibility;
- Artwork shall not interfere with active use of open space by the public;
- Cemeteries will not be considered as sites for temporary art installations; and
- Certain sites may be subject to additional restrictions as determined by the review committee.

Review Panel

A review panel shall include, but need not be limited to:

- One City staff designee from the Department of Public Works (DPW);
- One designee from the Portland Public Art Committee;
- The City of Portland’s Urban Designer, Temporary Art Coordinator or staff designee from the Department of Planning and Urban Development;
- A designated artist.

For a given site, the review panel may include additional designees. Additional designees will be included when the proposed site involves the following conditions:

- For proposals involving an historic landmark, landscape, or district, the panel will include a designee from the Historic Preservation Board;
- For proposals involving a site with an established “friends” organization, or equivalent, the review panel will include a designee from that organization;
- Additional stakeholders or interested parties may be invited to provide input during the review process to be determined in consultation with the relevant councilor(s).

Additional Review Requirements

Upon the receipt of a temporary art application, the Review Panel shall:

1. Schedule a meeting open to the public to obtain public comment prior to rendering a decision on the application.
2. Publish a notice of the meeting on the City’s website at least seven days prior to the date of the meeting.
3. Notify stakeholders such as the applicant, abutters, and neighborhood groups of the meeting at least seven days prior to the date of the meeting. Noticing shall be handled by

City staff and means and methods shall be determined on a case by case basis and may include mail, e-mail, City website, and NotifyMe.

Supplemental Guidelines for Temporary Painting within Public Roadways

The City of Portland's roadways and crosswalks vary in dimensions, materials, and historic character. The placement of temporary painting within public roadways should maintain visibility of crosswalks and/or all roadway markings, respect and enhance the organic character of the roadway, and must not result in either physical or aesthetic damage to the roadway. In proposing roadways for temporary public painting, applicants should consider the following:

- City of Portland Department of Public Works has municipal jurisdiction over roadways with a posted speed limit of 25 miles-per-hour or less. Roadway paintings shall not be allowed on any street with speed limits at or above 30 miles-per-hour.
- MaineDOT shall review state roadways as indicated in the City of Portland's Technical Manual Section 1. Transportation Systems and Street Design Standards federal street classification (Figure I-26).
- Roadway painting shall utilize temporary chalk paint, as recommended by MaineDOT and the City of Portland Department of Public Works and shall not be retro-reflective. Painting shall completely fade within one year of installation;
- Three dimensional (3D) crosswalks and word messaging, and directional signals within the crosswalk are not allowed;
- Roadway paintings shall not distract drivers or lead to dangerous road conditions, nor shall they mask existing unsafe road conditions such as potholes. The condition of the roadway or crosswalk shall be adequate, as confirmed by up-to-date pictures provided by the applicant. City of Portland Department of Public Works and Planning and Urban Development staff may conduct site investigations to prove roadway conditions are adequate;
- Painting of white crosswalk stripes (known as "keys") is not allowed;
- If more than one roadway or crosswalk is appropriate for a particular installation, it should be identified in the application. The Review Panel shall reserve the right to restrict the number and location of roadways or crosswalks for any application;
- Each application will require a traffic-control plan that includes a timeline to the satisfaction of City of Portland Department of Public Works staff. This timeline shall include the date and duration of street closure;
- Streets under a Street Moratorium or those that have been paved within one year prior to receipt of an application shall not be allowed for painting.
- Final approval of an installation is contingent upon the appropriateness of the proposed roadway, including adequate visibility;

- Roadway paintings shall not contain content that is harmful to Portland’s diverse communities, including content that is harmful on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, political association or veteran status.
- Cemeteries will not be considered as roadways for temporary painting;
- Roadways with paving patterns including but not limited to: cobblestone, Belgian-block, brick, or masonry, will not be considered as roadways for temporary painting;
- Certain roadways may be subject to additional restrictions as determined by the review panel. Applicants shall consult City of Portland Planning and Urban Development staff to determine the roads and/or intersections proposed are appropriate;

Receipt of a temporary painting within public roadways permit from the Department of Planning and Urban Development does not constitute receipt of all required permits. Additional permits may be required for road closure from the Department of Public Works and/or Permitting & Inspections. Applicants shall provide documentation of receipt of all required permits prior to installation.

Materials, fabrication, and transportation to and from the roadway is the sole responsibility of the applicant and not that of the city. Materials related to street closure, such as flags, sawhorses, etc. can be rented from DPW but are the sole responsibility of the applicant and not that of the city.

Application Process

Applicants should submit a complete application not less than three months prior to the intended date of installation. Incomplete applications will not be accepted.

1. A meeting with the applicant may be requested by the review panel prior to approval or denial.
2. Approval/denial notification will be sent to the email address provided on the application.
3. If the review panel requires further review, an additional meeting will be scheduled with the artist at the panel’s next monthly meeting. Revisions requested by the review panel must be made in order to receive final approval and an installation permit.
4. The proposed contractual agreement with the Department of Public Works will be emailed to the applicant with the notification of approval of the installation.
5. Following receipt of the approval email, each applicant must submit a signed contractual agreement in the form provided with the approval email, signage information, proof of insurance, an endorsement page, at least five digital images of existing site conditions, and a security deposit in the amount required in the approval email.

Applicants should feel free to contact Planning staff with questions concerning their applications.

Contractual Agreement

The contractual agreement will be emailed to applicant with notification of approval.

Proof of Insurance & Endorsement Page

Proof of liability insurance and an endorsement page naming the City of Portland as an additional insured with general liability coverage of at least \$400,000 for bodily injury or death is required. The Certificate of Insurance must state the name of the artist, the site of installation, and duration of agreement. Insurance coverage must extend from installation through artwork removal and site restoration. If an extension is approved, the liability insurance must also be extended. The certificate and endorsement page provided by the insurance company must be emailed in PDF digital format to the Department of Planning & Urban Development.*

Security Deposit

A security deposit will be required and must be submitted in cash, check, or by credit card to the Department of Planning & Urban Development. The amount of the deposit will be based on the estimated cost to remove the installation and restore the site. Typical security deposits will range from \$100 to \$1000. The security deposit will be retained until the artwork is removed, site restoration has been approved, and all required documentation has been submitted. (See “Artwork Removal and Site Restoration Documentation” on page 4.) Upon fulfillment of these requirements, the security deposit will be returned in full. In case it becomes necessary for the City to remove the artwork and/or restore the site, the City’s costs will be deducted from the security deposit.*

**The Portland Public Art Committee does not wish that these fiduciary requirements become a major impediment to otherwise worthy temporary art. Applicants for whom these requirements impose a genuine hardship are encouraged to complete the application process and submit a statement of need to the panel. Should the piece be otherwise acceptable, efforts will be made by PPAC to secure a small stipend to be used to defray the cost of insurance, deposit or other expenses associated with the project.*

Installation, Maintenance, & Removal Process

1. Installation may begin upon receipt of the installation permit.
2. The artwork shall be installed in accordance with the approved timeline.
3. Artwork to be installed near trees shall be subject to approval by the City Arborist.
4. Site must be marked and DIG SAFE (1-888-344-7233) approval must be obtained for all post and foundation locations. The artist should keep in mind that DIG SAFE requires a four-day advance notice.
5. Digging holes or drilling is **not** permitted on hardscapes; digging on softscapes, and driving vehicles on grass or unauthorized areas, requires prior approval from DPW staff.
6. Artist or artist’s approved designee must maintain the artwork in the condition originally approved. The artist or approved designee must monitor the installation and take action to amend or remove the artwork if necessary within specified time frames.

7. Artist must provide required documentation to the Department of Planning & Urban Development within 30 days of removal and site restoration.

Signage

Only official temporary public art signage is allowed on or near the artwork. Signage shall include the name of the artist, title of work, construction materials, and period of installation. A list of project sponsors and an optional summary description of the artwork may also be included. No commercial content or sales information may be included. A QR code, web link, or similar information for contacting the artist may be permitted.

Required Maintenance & Unanticipated Repair or Removal

Periodic inspections by the artist or the artist's designee are expected. Damage to the site or the artwork, including vandalism and graffiti, must be repaired or removed within 72 hours following notification by the City. If an installation becomes a safety hazard, it must be repaired, removed, or stabilized as soon as possible, but no more than 48 hours following notification by the City. If repairs are not made within the required time frames, the artist will be advised that the City will take appropriate action to repair and/or restore the site, and any costs incurred will be deducted from the security deposit. The City reserves the right to remove the artwork and will not be held financially responsible for site restoration or any damage to the artwork.

Scheduled Removal & Site Restoration

A timeline for installation, removal, and site restoration must be submitted with each application. Duration from start of installation to complete site restoration may not exceed 12 months. Artwork removal and site restoration must take no more than 5 days to complete. The **liability insurance of \$400,000 must cover the period from artwork installation to site restoration.** If the approved timeline is not adhered to, the City may carry out all unperformed actions. The artist will be informed if the City decides to take such action, and all associated costs will be deducted from the security deposit.

Artwork Documentation

The artist must provide final documentation of the project to the City staff within 30 days of site restoration demonstrating adequate site restoration. The final project documentation may be used by the Portland Public Art Committee to promote art in public spaces, and to refine the temporary public art procedures process. The PPAC shall have the right to use and reproduce the final project documentation material. Final Project Documentation shall include:

- Two or more digital images of the condition of the site prior to installation;
- Two or more digital images of the installation process;
- At least five images of the artwork while on display;
- At least five images of the site after completion of site restoration;

- Written feedback pertaining to this project, i.e. impact of your piece, public feedback, suggestions for improvement of temporary public art process, etc. (suggested length: 250 words)

Application

The application form is available online at the Temporary Art webpage:

<https://www.portlandmaine.gov/470/Public-Art-Program> or by contacting the PPAC staff representative and includes the following:

- **Title of Work**
- **Artist Information**
- **Summary** - Physical description of artwork including dimensions, materials used in construction and installation. Description of site location and plan for any site disturbance during installation.
- **Technical Requirements** - Lighting, sound or technical needs associated with the project and how they will be procured. Impact, if any, project will have on pedestrian or vehicular traffic. (Any projects using sound must follow the city ordinances regarding volume. Please submit a recording for review with the application.) Additional city licenses may be required.
- **Maintenance and Safety** - Brief description of maintenance requirements. Public health, safety, and welfare liability issues, i.e., toxic materials, sharp edges, structural stability, security issues, and obstruction of sight lines or issues related to pedestrian and vehicular traffic.
- **Schedule** – Timeline of installation, duration, and removal. Names and contact information for artist and parties responsible for installation, maintenance, security and removal of artwork.
- **Attachments:** Resume, 10 images and slide list, structural sketches, animation, or maquettes of proposed piece on site, optional expanded summary (no more than one page).

Application Exemptions

For proposed street murals, this process may be expedited for any city owned streets within commercial or mixed-use areas (the downtown, major thorough fares). In these cases, there will be at least a one week notice to stakeholders for comment/meeting participation. Additional members of the review panel may include Metro or MDOT depending on proposed location.

Email application in Microsoft Word Document (word.doc or .docx) form to the PPAC staff at the following address:

**Maya Balassa, Planner; publicart@portlandmaine.gov
Planning & Urban Development Department, Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101
Phone: (207) 874-8632**

Application Checklist:

- Completed application (in word document form, .doc or .docx)
- Resume, including experience relevant to public art
- Sketches or scale rendering of art work
- Map of proposed installation including positioning of artwork on site
- Images, animation, or maquette of art work
- Images of previous/related work (*Please limit images to a total of 10. Images should be no more than 5MB each. Please label images: Last name__Firstname__jpeg__*)
- Optional expanded statement of intention (Limit one page)
- Supplemental Materials for Temporary Painting within Public Roadways