

**City of Boulder  
Paint the Pavement  
Pilot Project  
April, 2009**

Paint the Pavement is Boulder's name for a project to allow murals to be painted on public streets. This program will encourage community building and public art as means to transform roadway public space into neighborhood assets. The City of Boulder is initiating a pilot program in response to community requests and interest from the Transportation Advisory Board. Similar programs are underway in Portland, Seattle and Minneapolis.

This document outlines the procedures developed by staff to authorize the painting of a mural in a neighborhood test location. Neighbors on South 31<sup>st</sup> Street have requested permission to paint a mural on 31<sup>st</sup> Street between the intersections with Bucknell. Assuming neighborhood support (as evidenced by the petition process), the city will move forward with authorizing this project.

Another project has been proposed for a commercial area on University Hill. Given the commercial nature of that area, some modifications will be made to the process for that application.

A team of city staff will evaluate the planning, design and installation processes for the two mural locations and assess community interest in expanding the mural application to other locations throughout the city. The product will be recommendations on whether the program should be expanded or formalized and if so how.

# Paint the Pavement Checklist, Neighborhood Version

See the page called “Important things to know” for more information. Submit all forms to GO Boulder/City of Boulder, 1739 Broadway, 2<sup>nd</sup> Floor, Boulder CO 80302. Call 303-441-3266 for information.

## **At least 30 days before the event date:**

A primary contact (hereinafter called applicant) must submit the following forms:

### **Design of Intersection Painting**

Applicant must provide a written description of the proposed design and a diagram depicting how the intersection will look when completed. Please include dimensions and orientation on the street.

### **Paint the Pavement Installation Agreement Form**

This agreement authorizes construction and maintenance of the project, as described and shown in the submitted diagrams, with associated conditions. It must be approved by the City Traffic Engineer. Note a Traffic Control Plan is required, including a payment of a rental fee for barricades.

### **Block Party Permit Application (Neighborhood Paint the Pavement Version)**

- This permit is required to close the street, and includes a petition signed by neighbors. For the Paint the Pavement Pilot Program, modifications have been made to the standard Block Party Permit.

## **After project is approved:**

Appear before the Boulder Arts Commission to obtain their approval. The applicant should contact Donna Gartemann at 303-441-4113 to be placed on the agenda. The Commission meets on the third Wednesday of each month. The Arts Commission approval will be conveyed in a letter which will be attached to the agreement.

## **Day of Event:**

**Photographs:** Please take at least two photographs of the finished project. Photos of work-in-progress would be appreciated.

**Within two weeks following the event:** Please return to the GO Boulder office:

- The Pilot Program Evaluation Questionnaire on the project and the process
- Photographs of the completed installation

# Important things to know

## about the Paint the Pavement Pilot Project, Neighborhood Version

Spring, 2009

**Choosing a location:** If the proposed project location is at an intersection, the two streets shall be classified as local streets and carry less than a combined 2,500 vehicles on an average day. If project is completed on a street segment, the segment shall be classified as a local street and carry less than 1,250 vehicles on an average day. This information may be obtained from the GO Boulder office at 303-441-3266.

**Appropriate Designs:** The applicant must provide the city with a written description of the project and a diagram depicting how the intersection will look when completed. The diagram should include dimensions and orientation on the street. The design will be reviewed and approved by the City of Boulder Arts Commission with input from the City Traffic Engineer. Community identity logos are acceptable and encouraged but no advertising of any sort will be allowed as part of the project.

**Traffic Engineer Approval:** The Traffic Engineer may approve an agreement authorizing construction of the project as described and shown in the submitted diagrams, subject to any changes that may be required by the Traffic Engineer. The Traffic Engineer retains the right to require changes to any and all elements of the project in order to insure public safety and operation of the transportation system.

**Other Approvals:** The Boulder Arts Commission, by charter, must approve any public art installations in the city. Their approval will be indicated by a letter from the Commission. The agreement also includes certifications from the City Manager that the project does not constitute graffiti, which is prohibited under city codes.

**Scope of Agreement:** The agreement covers use of the public right-of-way only, and does not exempt the applicant from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit. Nor will the permit waive the provisions of any City Code, Ordinance, or the City Charter, except as stated herein. The agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except as allowed by the Block Party Permit.

**Authorization:** The applicant is not authorized to do any excavation. The applicant will be responsible for protecting all public and private facilities placed in the public right-of-way, including underground utilities.

**Block Party Permit:** The applicant will obtain a Block Party Permit (Neighborhood Paint the Pavement Version) to close all legs of an intersection, or street, for up to one block distance, in order to install the project modifications. All elements of the Block Party Permit are valid and should be followed, except that for Paint the Pavement installations, the City has made the following modifications:

- **Hours:** The standard Block Party Permit limits hours to 12pm to 10pm. For painting projects, hours are extended to 8 am and 10 pm. Amplified music will only be allowed between 12pm and 10pm
- **Traffic Control Plan:** For the neighborhood pilot project, the city will develop a Temporary Traffic Control Plan and install the traffic control devices. This supercedes the traffic control elements of the standard Block Party Permit. The TTC Plan shall be implemented under the

supervision of a certified Traffic Control Supervisor (TCS) or certified Traffic Control Technician (TCT). The TCS or TCT will be responsible for delivering and installing barricades in the proper positions as depicted in the TTC at the beginning of the event, and removing them at the end of event and returning them to delivery location. For the pilot program, the City of Boulder will supply the necessary barricades and waive the TCS or TCT costs. The applicant is responsible for a nominal fee of \$10.00 per barricade to off-set the TTC plan associated costs. The costs and benefits of requiring a TTC Plan for future installations will be evaluated as part of the pilot project.

- **Petition:** The standard Block Party Permit is designed for a one-day event. Because the Paint the Pavement project will create a semi-permanent change to the neighborhood environment, identifying support from neighbors is especially important. Therefore, a new petition has been designed. The Paint the Pavement Petition must have signatures from 100 percent of the property owners abutting the project and at least 60 percent of the property owners and/or residents on the project street frontage(s) within one standard city blocks (or 400 feet) of the proposed project. Each residence within the impact area will only receive one credit toward the 60 percent neighborhood support. Either a renter or property owner may sign the petition form on behalf of an address, but not both. Multi-family units require the approval of the property manager or homeowner association, or 60% of unit owners or tenants. For public properties, the site manager's approval is adequate. The Traffic Engineer may modify the petition boundaries when considered appropriate. The petition states that approval is being given both for the street closure and the painting of the street.

**Appropriate Paint:** Paint must be low-toxicity and lead-free. Acceptable alternatives include latex (waterborne) paints from Diamond Vogel or Colorado Paint (this is what the city uses for street application). Other lead-free exterior latex or enamel paints will be acceptable. The city recommends using water-based paints because of easier clean-up and generally lower toxicity. However, these paints may prove less durable and may need re-painting more frequently. One element of the pilot program will be to evaluate the longevity of the paints used for this project.

**Future street disturbances:** Street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right-of-way may cause damage to the project. Any costs of repair will be borne by the applicant, with no responsibility of the City, other agencies or entities to repair or replace the project.

**Mural Repair:** Any future painting of the pavement mural, including touch-ups or redesign, will require the applicant to following the application procedures outlined for the original application.

**Revocation of Agreement:** The Traffic Engineer may revoke an agreement for cause. The Traffic Engineer will immediately revoke a permitted project no longer meeting the original intent of the project. The applicant shall, at no cost to the City, remove all aspects and/or features of a project when the permit is revoked. Other reasons for revocation may include, but are not limited to:

- **Neighborhood Conflicts:** The applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Traffic Engineer.
- **Nuisance conditions:** If any nuisance condition is allowed to exist in the area of the project, the City may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the permit.

# AGREEMENT FOR PAINT THE PAVEMENT INSTALLATION NEIGHBORHOOD VERSION

THIS AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between \_\_\_\_\_ representing the Paint the Pavement Neighborhood Group (hereinafter referred to as \_\_\_\_\_ Neighborhood Group”)

and

City of Boulder Department of Public Works (hereinafter referred to as “Public Works”)

WHEREAS, \_\_\_\_\_ Neighborhood Group has submitted plans and valid petition for installation of intersection painting at the

- intersection of \_\_\_\_\_ and \_\_\_\_\_; or
- midblock location on \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_

WHEREAS, Public Works has reviewed plans and approves installation;

NOW, THEREFORE THE PARTIES AGREE AS FOLLOWS:

\_\_\_\_\_ Neighborhood Group will hold the City of Boulder, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals, which may result from intersection painting.

\_\_\_\_\_ Neighborhood Group shall be responsible for installation of the intersection painting in accordance to the drawing submitted to the Traffic Engineer, as approved by the Traffic Engineer and the Boulder Arts Commission.

\_\_\_\_\_ Neighborhood Group will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Traffic Engineer.

\_\_\_\_\_ Neighborhood Group will obtain a Neighborhood Block Party Permit from the City of Boulder to close all legs of the intersection for up to one block distance, in order to install the intersection painting.

\_\_\_\_\_ Neighborhood Group will contribute a fee of \$10 per barricade to defray expenses of the Traffic Control Plan. The plan will be developed and implemented by the Traffic Engineer. No street will be blocked for more than 12 hours in any 24-hour period unless specifically allowed by the Traffic Engineer.

\_\_\_\_\_ Neighborhood Group will notify all households and businesses within four standard city blocks of the proposed project at least 30 days before the project installation date.

\_\_\_\_\_ Neighborhood Group understands that if any nuisance condition is allowed to exist in the area of the project, the City may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the agreement.

\_\_\_\_\_ Neighborhood Group shall repair the painting project as needed, or portions of the project, with all costs borne by the applicant, if street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right-of-way affects the installation.

\_\_\_\_\_ Neighborhood Group shall follow the standard application procedures, in place at the time of application, to obtain City approval to complete any future repair or repainting of the pavement mural.

This agreement covers use of the public right-of-way only, and does not exempt the applicant from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit. Nor will the agreement waive the provisions of any City Code, Ordinance, or the City Charter, except as stated herein. This agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except during the hours of street closure, as approved by the City.

Public Works may revoke an agreement for cause. The Traffic Engineer will immediately revoke a permitted project no longer meeting the original intent of the project.

This agreement shall remain in effect for one (1) year from the date of this agreement.

The intersection painting described above is done with the express permission of the City Manager and shall not be deemed to be graffiti pursuant to Section 5-4-14, B.R.C. 1981.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year above first written.

By:

\_\_\_\_\_  
Neighborhood Group

\_\_\_\_\_  
Bill Cowern, City Traffic Engineer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Jane S. Brautigam, City Manager

\_\_\_\_\_  
Phone Number

Attest:

\_\_\_\_\_  
e-mail

\_\_\_\_\_  
Alissa Lewis, City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

# **Block Party Application (Neighborhood Paint the Pavement Version)**

---

---

**SECTION 1**  
**Regulations and Requirements**  
Retain for your records

**SECTION 2**  
**Application Forms**  
Complete and return

City of Boulder  
GO Boulder

1739 Broadway  
Boulder, CO 80302  
303-441-3266 phone 303-441-4271 fax  
ratzelm@bouldercolorado.gov

# City of Boulder

## Block Party Application Packet

### (Neighborhood Paint the Pavement Version)

Please allow 30 days for processing. When the permit has been approved, the sponsor will be contacted to sign and pick it up.

#### Section 1

### Regulations (for your information)

The City of Boulder welcomes the opportunity to work with neighborhood groups wishing to build relationships and strengthen their corner of the community. Block parties are often a wonderful way for neighbors to reach out and connect with one another, so the city has carefully crafted the following application process in an effort to provide clear, concise guidelines for block party hosts. We hope the items contained in this application will help you create a safe, fun and enjoyable gathering on your neighborhood block. Please read the following information carefully and let us know if you have any questions or need any assistance. Thank you!

**A block party is a gathering of residents on a particular neighborhood block for the purpose of building relationships and fostering community.**

**Block parties can include:** the closing and barricading of a single residential city street (required); the availability of refreshments; activities within the blocked street area; and *other activities that are legal and safe.*

**Block parties DO NOT include:** loud music; alcohol on public streets, sidewalks or other city property; unknown or uninvited guests; mandatory cover charges; closure of more than one street; any activities that could result in city code violations; more than the designated number of participants; any activity that violates the block party permit; or *any illegal or unsafe activity or behavior as determined by the police and fire departments.*

#### **Process:**

Each request for a block party permit will be reviewed on a case by case basis. GO Boulder and the City Manager's Office will send a completed application to various departments for their approval (Fire, Police, Environmental Enforcement, Transportation, Neighborhood Services and Risk Management). You **do not** need to contact each City department. The only exception is **you must contact Environmental Enforcement when live or amplified music will be present** (see below).

The following information provides procedures followed by the City of Boulder. The City Manager will make decisions on granting or denying this permit application based on criteria specified in 2-2-11 BRC 1981.

- The block party sponsor must be a resident of the block to be closed.
- The sponsor must be at least 18 years of age.
  - Block party must be held between the hours of 8 am and 10 pm. Amplified music is only allowed between noon and 10 pm.
  - No more than 100 people may attend. Special approval must be given by the city for numbers greater than this.
  - Block parties may not be held on major roads or areas where safety is a concern.
  - Barricades and Marshals must be provided by the applicant as determined by the Traffic Control Plan.
  - Alcohol is not permitted on public property.

#### **Application Information:**

This application must be filled out completely. The application will be approved and a permit issued only after all requirements and deadlines of the City of Boulder are met. Failure to comply with any of the following requirements and deadlines may terminate the permit process; or result in denial or revocation of the block party permit. When the permit has been approved, the sponsor will be contacted to sign and pick it up.

If the permit is denied, the City of Boulder assumes no liability for expenses incurred by the applicant. Permits may be denied for any reason deemed necessary by the City, particularly where significant dates, public safety, police staffing and neighborhood concerns are identified.

**If during the course of the event, the city determines there is a public safety hazard or if there is a violation of any permit condition, the event can be terminated immediately.** The sponsor will be responsible for closing down the block party immediately, ensuring participants vacate the premises, removing barricades and thoroughly removing any event supplies and trash. The City of Boulder is not responsible for any expenses incurred by the permit holder. Failure to meet the requirements of this permit may provide basis for denial of future permits for a block party, or sponsor.

### **Requirements**

1. **Application:** Submit a complete application to GO Boulder at least 30 days in advance. Late or incomplete applications will not be accepted. Application must include a detailed map of the block party area.
2. **Barricades/Marshals:** Traffic control must be in compliance with the Temporary Traffic Control Plan as described in the Paint the Pavement Agreement.

3. **Amplification or live music requirements:**

If you have been granted a block party permit and amplification or live music will be present, you must contact Environmental Enforcement at 303-441-3239 to determine if an off-duty officer must be hired (**21 days in advance**). If complaints are received, all music, bands, and amplification will be turned down or turned off.

A summons will be issued for any municipal code violation (Boulder Revised Code 5-6-2 and 5-3-8). A copy of these ordinances may be obtained at the Citizen Assistance Office or the Environmental Enforcement Office or on the web at <http://www.colocode.com/boulder2/chapter5-9.htm>

**Payment for the Environmental Officer is required 21 days in advance of the event. Hourly rates for 2008 are: \$45.00/hour for more than two weeks notice; \$60.00/hour for less than two weeks' notice, plus a 10% administrative fee.**

4. **Alcohol:** A Block Party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.). Alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.

5. **Clean-up:** Sponsor is responsible for cleanup after the event.

6. **Block Party Notification:**

A good faith effort must be made to contact the residents on your block and notify them of your plans for a block party. This helps avoid misunderstandings and signifies to the city that the majority of the block endorses this event, and helps strengthen neighborhood relations.

Below are several different suggestions of how to notify your block of the party. Whatever method you choose, it is important to include the date and time that the street will be closed. This helps residents plan ahead. Should any conflicts with the proposed block party date, time or location arise, it is the responsibility of the applicant to work through the issue with your neighbor.

Examples of notification include phone calls, e-mails or a save the date flier. For a Paint the Pavement event, a petition must be turned in with this application showing approval from the neighborhood, as described in the Paint the Pavement agreement. The petition form is provided with this application packet.

7. **For ideas, tips and more information on hosting a block party, go to [www.bouldercolorado.gov](http://www.bouldercolorado.gov)**

8. If you have any problems during the block party, please call the police at the non-emergency number 303-441-3333. For an emergency call 911.

**City of Boulder  
GO Boulder  
BLOCK PARTY APPLICATION PACKET  
(Neighborhood Paint the Pavement Version)**

**Section 2 – Application Forms (Return this Section)**

**Check off the following items that are enclosed with your completed application:**

**Required:**

- completed application
- detailed map of area to be closed

**Optional:**

- amplified sound (live/amplified music, PA system): Refer to Requirement #3 for compliance

**Submitted by:**

\_\_\_\_\_ Phone \_\_\_\_\_  
Block Party Sponsor signature

---

Today's Date: \_\_\_\_\_

Address of Block Party: \_\_\_\_\_  
(attach map of block party area)

Describe Event: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_ City State Zip Code

Date(s) of Block Party: \_\_\_\_\_

Start time: \_\_\_\_\_ p.m. Finish time: \_\_\_\_\_ p.m.

Number of persons attending: \_\_\_\_\_ (greater than 100 requires special approval)

Will amplified music be provided? \_\_\_\_\_ (if yes, refer to requirement #3 for compliance)

Will alcohol be available? \_\_\_\_\_

If so, which address(es) will have alcohol? \_\_\_\_\_

**Alcohol is only allowed on private property. All state and city alcohol laws still apply during Block Parties. A Block Party permit does not allow the sale of alcohol or the consumption of alcohol on public property.**

How do you plan on notifying your neighbors? (See #6 for ideas) \_\_\_\_\_

Applicant may be asked to produce map, flyers, etc. upon request by the city.

As an applicant for a block party permit, I certify that I have read and understand all of the conditions and procedures that are required in order to obtain the permit and I agree to comply with each of those conditions and procedures.

I agree to indemnify and hold harmless the City of Boulder, and all City of Boulder officers, employees, agents and representatives, from any claims (including costs of defending such claims) or damages that may arise from the occurrence of the block party or from related events.

I understand that a block party permit does not authorize violation of city or state laws, except to the limited extent that it allows a street to be temporarily closed in conformity with permit conditions and allows the painting of a design in the street. I also understand that a block party permit does not excuse failure to comply with orders of law enforcement personnel, firefighters or other emergency workers, and that it does not provide immunity from civil claims of third parties that are based upon damages occurring at, or in conjunction with, block party events.

**I affirm, under penalty of perjury, that the statements and representations made in connection with this application are true to the best of my knowledge.**

\_\_\_\_\_  
Block Party Sponsor Signature

\_\_\_\_\_  
Date