

FIRST READING September 17, 1985

SECOND READING October 1, 1985

ORDINANCE NO. 3214

AN ORDINANCE AMENDING TITLE 12 OF THE LOVELAND MUNICIPAL CODE, THE SAME ESTABLISHING THE ART IN PUBLIC PLACES PROGRAM, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Title 12 of the Loveland Municipal Code is amended by adding thereto a new Chapter 12.60, as follows:

Chapter 12.60

ART IN PUBLIC PLACES

12.60.010 Purpose. The purpose of this chapter is to provide a means to fund the acquisition of works of art by the City, which shall become the City's collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection.

12.60.020 Definitions. For the purpose of this chapter the following words or phrases shall be defined as set out below:

A. "Art in Public Places" means any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, inside any City-owned facility in areas designated as public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or grants procured by the City.

B. "Commission" means the Visual Arts Commission created by Section 2.60.260.

C. "Construction cost" means actual cost of any construction project with an estimated construction cost of \$50,000 or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.

D. "Construction project" means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or other public improvement by or for the City, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements exempted by the City Council from the requirement of Section 12.60.030 after a public hearing thereon.

E. "Reserve account" shall mean the Art in Public Places Reserve Account established by this chapter.

F. "Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs.

12.60.030 Funds for works of art. There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for works of art shall be paid into the reserve account.

12.60.040 Account established. There is hereby established a reserve account within the General Fund-Capital to be known as the Art in Public Places Reserve Account. Said reserve account shall be credited with such funds as determined by the City Council and with all funds received by the City for visual Art in Public Places, whether contributed, earned, secured through grants or otherwise obtained. Monies credited to such account shall be expended only for acquisition of works of art, maintenance and repair of works of art and expenses of administration of this chapter.

12.60.050 Administration. The Visual Arts Commission shall administer the provisions of this chapter relating to acquisition of works of art and display. The Loveland Museum and

Gallery shall provide administrative support and assistance to the Commission as necessary to accomplish the purposes of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The Commission shall submit, not later than March of each year, a report of its activities for the prior year.

12.60.060 Guidelines. The Commission shall adopt guidelines:

- A. To identify suitable art objects for City buildings;
- B. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- C. To prescribe a method or methods for competitive selection of art objects for display;
- D. To prescribe procedures for the selection, acquisition and display of Art in Public Places; and
- E. To set forth any other matter appropriate to the administration of this chapter.

12.60.070 Selection and display standards. In performing its duties with respect to Art in Public Places, the Commission shall give special attention to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art.
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of Art in Public Places to insure a variety of style, design and media throughout the community.

12.60.080 Display of Art in Public Places.

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or,

by agreement with the owner thereof, any private property with substantial public exposure in and around the City of Loveland. Works of art owned by the City may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the Commission. City officials responsible for the design and construction of public improvements in the City shall make appropriate space available for the placement of works of art, in consultation with the Commission. The Commission shall advise the department responsible for the particular public improvement of the Commission's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expense, the Commission shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.

B. All Art in Public Places shall receive the prior review and approval of the Commission. None shall be removed, altered or changed without the prior review and approval of the Commission.

C. No work of art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately-owned property without a written agreement between the Commission, acting on behalf of the City, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the city attorney. In addition, such written agreements shall specify that the private property owner shall assure:

1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;

2. That the work of art will be maintained in good condition; and

3. That insurance and indemnification will be provided as is appropriate.

D. Installation, maintenance, alteration, refinishing and moving of Art in Public Places shall be done in consultation with the artist whenever feasible.

E. The director of the Loveland Museum and Gallery shall maintain a detailed record of all Art in Public Places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. The director shall attempt to give appropriate recognition to the artists and publicity and promotion regarding Art in Public Places.

12.60.090 Ownership. All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the City of Loveland, Colorado.

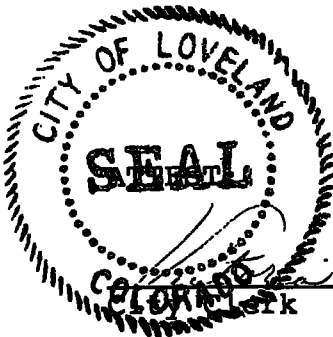
12.60.100 Exemptions. The following are exempt from the provisions of this chapter:

A. All works of art in the collections of, or on display at, or under the auspices of, the Loveland Museum and Gallery and the Loveland Public Library; and

B. All works of art in display in private city offices or other areas of City-owned facilities which are not generally frequented by the public.

Section 2. That the City Council finds and determines that matters pertaining to the administration and expenditure of public funds constitute an emergency; and, whereas, in the opinion of the City Council, an emergency exists requiring the immediate passage of this ordinance for the preservation of the public health, safety and welfare, this ordinance shall become effective upon its passage, adoption and signature of the mayor.

Signed this 16th day of October, 1985.



Donald W. Cozer
Mayor

Sheneman

APPROVED AS TO FORM:

City Attorney

William Sheneman, City Clerk of the City of Loveland Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on 9-17-85 and was initially published in the Loveland Daily Reporter Herald, a newspaper published within the city limits in full on 9-21-85, and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on 10-19-85.

William Sheneman
CITY CLERK

EFFECTIVE
DATE 11-14-84