

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 797**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING THE  
MEAD MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 14  
ARTS PROGRAM FOR THE PURPOSE OF FUNDING THE ACQUISITION  
AND MAINTENANCE OF WORKS OF ART BY THE TOWN AND TO  
ESTABLISH GUIDELINES FOR THE SELECTION AND DISPLAY OF THESE  
WORKS OF ART.**

**WHEREAS**, the Downtown Revitalization Committee has researched other small communities in Colorado that have implemented public art programs and has recommended that the Town develop a policy to do the same; and

**WHEREAS**, public art is artwork that is in the public realm, regardless of whether it is acquired through public private funding; and

**WHEREAS**, it is the intent of the Board of Trustees to establish funding sources for the purchase and display of public artwork within the Town and to provide for the ownership of such artwork; and

**WHEREAS**, it is the intent of the Board of Trustees to establish the Mead Public Arts Commission for the purpose of administering the provisions of the Arts Program and to advise the Board of Trustees on the acquisition and display of artwork in public places.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1.** The Mead Municipal Code is amended by the addition of a new Chapter 14 Arts Program, to read as follows:

**“Chapter 14. Arts Program**

**Article I  
Art in Public Places**

**Sec. 14-1-1. Purpose.**

The purpose of this Chapter is to provide a means to fund the acquisition and maintenance of works of art by the Town and to establish guidelines for the selection and display of these works of art.

**Sec. 14-1-2. Definitions.**

For the purpose of this Chapter the following words and phrases shall be defined as set out below:

(a) Art in public places means any visual work of art displayed in an open Town-owned area, on the exterior of any Town-owned facility, inside any Town-owned facility in areas designated as public areas, or on non-Town property if the work of art is installed or financed either wholly or in part with Town funds or grants provided by the Town.

(b) Commission means the Mead Public Arts Commission.

(c) Construction cost means the actual cost of any Town construction project with an estimated construction cost of twenty-five thousand dollars (\$25,000.00) 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 Town-owned building, street, park, utility line or public improvement by the Town, including all associated landscaping, parking and the like, but excluding any other improvements exempted by the Board of Trustees from the requirement of Section 14-1-3 after a public hearing thereon.

(e) Art in Public Places Fund shall mean the Art in Public Places Fund 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 paving or signs.

**Sec. 14-1-3. Funds for works of art.**

(a) There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for Town construction projects by Town staff, a fee for works of art in an amount equal to at least one percent (1%) 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 Art in Public Places Fund.

(b) General maintenance of works of art, not including repairing damage to those works of art, shall be paid for from funds budgeted and appropriated out of the General Fund.

**Sec. 14-1-4. Account established.**

There is hereby established a separate account to be known as the Art in Public Places Fund. Said account shall be credited with such funds as determined by the Board of Trustees and with all funds received by the Town for art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for the commissioning and/or acquisition of works of art and repair of works of art and the expenses of the administration of this Chapter.

**Sec. 14-1-5. Administration.**

The Commission shall administer the provisions of this Chapter relating to the acquisition of works of art and their display. The administrative staff of the Town shall provide support and assistance to the Commission as necessary to accomplish the purpose of this Chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The Commission shall submit to the Board of Trustees, not later than March of each year, a report of its activities for the prior year.

**Sec. 14-1-6. Guidelines.**

The Commission shall adopt guidelines to:

- (a) Identify suitable art objects for Town buildings;
- (b) Facilitate the preservation of art objects and artifacts that may be displayed in public places;
- (c) Prescribe a method or methods for competitive selection of art objects for display;
- (d) Prescribe procedures for the selection, acquisition and display of art in public places; and
- (e) Set forth any other matter appropriate to the administration of this Chapter.

**Sec. 14-1-7. 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 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 ensure a variety of style, design and media throughout the community.

**Sec. 14-1-8. Display of art in public places.**

(a) Works of art selected and implemented pursuant to the provisions of this Chapter may be placed in, or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the Town. Town officials responsible for the design and construction of public improvements in the Town shall make appropriate space available for the placement of works of art, in consultation with the Commission. The Commission shall advise the Board of Trustees of the Commission's decision regarding the design, execution and placement of works of art in connection with public improvements. For any proposed work of art requiring an extraordinary operation or maintenance expense, the Commission shall obtain prior written approval of the Board of Trustees

before approving the same. Works of art owned by the Town may be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the Commission, and approved by the Board of Trustees.

(b) All art in public places shall receive the prior review and approval of the Commission. No work of public art 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 Town funds or with grants provided by the Town shall be installed on privately owned property without a written agreement between the Commission, acting on behalf of the Town, and the owner, specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the Town Attorney. In addition, such written agreements shall specify that the private property owner shall assure that:

- (1) The installation of the work of art will be done in a manner which will protect the work of art and the public;
- (2) The work of art will be maintained in good condition; and
- (3) Insurance and indemnification will be provided as appropriate.
- (4) Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.
- (5) The Town Clerk shall maintain a detailed record of all the art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. The Town shall give appropriate recognition to the artists in publicity and promotion regarding art in public places.

#### **Sec. 14-1-9. Ownership.**

All FINAL works of art obtained pursuant to this Chapter shall be acquired in the name of, and title shall be held by, the Town of Mead, Colorado.”

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

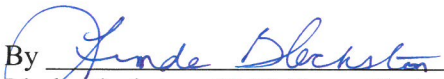
**Section 5. Certification.** The Town Clerk shall certify to the passage of this ordinance and

make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 11<sup>th</sup> DAY OF January, 2016.**

**ATTEST:**

**TOWN OF MEAD**

By   
Linda Blackston, CMC, Town Clerk

By   
Gary R. Shields, Mayor

