

ORDINANCE NO. 1329B
Public Arts Permits

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Section 1 - Purpose

To establish a permitting process that will allow for and encourage the installation of Public Art throughout the community. Art contributes to livable, aesthetically pleasing and pedestrian friendly streetscapes. The experience of public art makes a space seem more welcoming. It helps a community remember its past, honor an ideal, and express its values and concerns to future generations. Public art makes a community more livable and more visually stimulating.

Specific goals of Public Art are to:

- 1) Enhance the City's sense of place in the region by providing unique artwork throughout the community in a manner unlike any other place in the area
- 2) Celebrate the City's history and cultural spirit and identity through the creation of art that is accessible to the public
- 3) Create a recognizable icon
- 4) Enhance the appearance and livability of public spaces, through the placement of site-specific art projects that respond to the natural and built landscape
- 5) Enliven public spaces
- 6) Enhance overall quality and identity of the place and/or building
- 7) Strengthen community identity, spirit and collective cultural experience through the placement of public art throughout the City
- 8) Allow local and regional artists to share their creations with the community
- 9) Stimulate the economic success of businesses
- 10) Attract visitors and leave them with a positive impression and a desire to return
- 11) Create a more livable community by linking arts and everyday life with the objective of making Antigo the place of choice to live, work, recreate and raise a family

Public Art should be designed to complement the visual experience of those who live, work or visit the City of Antigo. In addition, the placement of Public Art throughout Antigo will contribute to the City's economic draw and be an on-going educational tool and tourism draw for

the community. By virtue of the effort, the community should become a richer place for residents and visitors.

Through the permitting process, the City is able to (1) ensure that community objectives of Public Art are achieved, (2) address any public health, safety, and welfare concerns that may arise relative to the art media or locations proposed, and (3) verify that public access and long-term maintenance issues are addressed.

Section 2 - Definitions

- a. Artist: For the purpose of this Chapter "Artist" means an individual generally recognized by peers as a practitioner of the visual arts as judged by the quality of that practitioner's body of work, educational background, experience, past public commissions, and production of artwork. It also may include students or youth who are creating Public Art under the direct supervision of practicing artist/art teacher.
- b. Alterations: includes any change to a permitted Public Art, including but not limited to any change to the image(s), materials, colors, or size of the Public Art, "Alteration" does not include naturally occurring changes caused by exposure to the elements or the passage of time. Minor changes that result from the maintenance or repair of the Public Art shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the Art piece is repaired due to the passage of time or as a result of vandalism.
- c. Project Initiation Date: For the purposes of this Section, "Project Initiation Date" shall be defined as the date on which the first art piece included in the permitted Public Art Project is fully or partially installed on a site.
- d. Public Art: Includes works of art in any media that have been planned and executed with the specific intention of being sited or staged in or have the ability to be viewed from the physical public domain, usually outside and accessible to all. Public art includes all forms of visual art originally created by an Artist or under the Artist's direction, whether contemporary or traditional in style that is located outdoors and is visible to the general public. Works of Public Art to be placed in the community may include:
 - 1) Sculpture and Kinetic Art: free-standing, wall supported or suspended; in any appropriate material or combination of materials.
 - 2) Murals and Paintings: in any appropriate material or variety of materials, with or without collage.
 - 3) Mosaics: including tiled composites on walkway, street furniture and wall surfaces.
 - 4) Water features: including fountains, waterfalls and decorative pools.

- 5) Earthworks: environmental works in appropriate outdoor sites.
- 6) Glass: including but not limited to ceramics, and lighted glass including neon and plastic.
- 7) Functional Art: including decorative furnishings or fixtures, but not limited to gates, railings, streetlights or seating, if created or decorated by artists as unique elements.

To be considered "Public Art" the art must be located either upon public property or upon private property for which an agreement to which the City is a party is secured and authorizes the "Public Art" subject to the conditions included in the agreement. Whether it is on public or private property "Public Art" must be freely accessed by the general public during the normal hours of operation of the premises upon which the art is located.

- e. Sponsor (also referred to as Applicant): For the purpose of this Chapter the "Sponsor" shall be any person, firm, corporation or association who applies for and secures a Public Art permit for the purpose of installing Public Art as provided for in this Chapter. The Sponsor shall be responsible for ensuring compliance with all requirements and obligation of the permit including but not limited to obligations relating to maintenance of the Public Art and its removal if a permit is revoked or terminated. The Sponsor shall be a party to any and all agreement(s) provided herein.

Section 3 - Eligibility Criteria

- a. All Public Art projects must be reviewed by the Public Art Committee and approved by the Common Council. The following factors are to be considered in approving "Public Art":
 - 1) Achievement of the goals of Public Art.
 - 2) The appropriateness of the location for Public Art.
 - 3) The originality and/or aesthetic quality of the work.
 - 4) The appropriateness of the art media selected for the location.
 - 5) Appropriateness of the work, including theme and size, to a chosen location, including scale of artwork to the site and obstacles of the site.
 - 6) The subject matter is consistent with the goals of Public Art and appropriate for the proposed location.
 - 7) The artist has demonstrated in the design, aesthetic and functional coordination with the architecture of the building/buildings, streetscape and/or landscape.

- 8) The proposed maintenance plan and funding level is consistent with "best practices" relative to the type of art media proposed.
- 9) The sponsor of the program has secured the right to locate the Public Art on either public or private property as evidenced by a written agreement that may be subject to successful completion of this approval process.
- 10) Public Art shall also be subject to the provisions of the applicable sections of the zoning code and any other ordinance that regulates signs and land use including any applicable overlay districts.
- 11) The Public Art Committee shall be comprised of the following:
 - a. Two members of the Antigo Visual Arts
 - b. Langlade County Economic Development Corporation Director
 - c. Two members designated by the Mayor of the City of Antigo
 - d. One member of Antigo First
 - e. The Antigo City Attorney

Section 4 - Public Art Location Criteria

- a. Display of Public Art throughout the City is encouraged. There may however be areas that are not appropriate for an art display. The following criteria will be considered in determining whether a proposed location for Public Art should be approved:
 - 1) Visibility and public access
 - 2) Public safety
 - 3) Interior and/or exterior traffic patterns
 - 4) Relationship of art to the site's existing or future architectural or natural features
 - 5) Function and uses of the facility or site
 - 6) Future development plans for the area which may affect the public art project
 - 7) Relationship of the proposed work to existing works of art or design elements within the site's vicinity
 - 8) Social or cultural context of the proposed artwork relative to the site and its surrounding environment

- b. When public art display is considered for a particular site, consideration will also be given as to whether or not public art in such a location has the potential to:
- 1) Express the values, diversity and character of the neighborhood
 - 2) Illustrate the cultural heritage or built heritage or other unique qualities inherent to the site, neighborhood, area or community (such as existing/lost landmarks)
 - 3) Recognize the unique natural settings of shoreline, prairie and wetland present in the City
 - 4) Reinforce spatial networks that link one neighborhood to another
 - 5) Enrich the visitor's experience of the place
 - 6) Enhance the pedestrian experience
 - 7) Inspire new ways of looking at the community
 - 8) Reveal aspects of the social, historical, physical or commercial context of the site, neighborhood, area or community
 - 9) Add to the attractiveness, and therefore, inherent value of the site or area

Section 5 - Public Art Program Criteria

- a. A Public Art Project once approved cannot be altered, as further clarified below, unless an amendment recommended by the Public Art Committee is approved by the Common Council. Additionally Public Art, once approved, shall:
- 1) not, if attached to a building,
 - a. exceed the height of the structure by more than 10 feet
 - b. extend more than six inches from the building facade
 - c. cover windows, doors, vents or other architectural elements such as cornices and pilasters
 - 2) not contain changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

- 3) not provide for any compensation from the artist or the City to the property owner. Compensation is herein defined as the exchange of something of value, including, but not limited to money, securities, a real property interest, the barter of goods or services, the promise of future payment, or the forbearance of debt, and is given to or received by said property owner, or a lease holder with the right to possession of the wall upon which the public art is to be placed, for the display of the public art, or for the right to place the public art on the property. The applicant shall certify in the registration application that no compensation for the display of the Public Art or the right to place the Public Art on the property will be given to or received by the property owner or lease holder. (However, nothing herein contained is intended to limit or prohibit the compensation of the artist.)
- 4) not contain any brand name, product name, or abbreviation of the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message, with the exception of Public Art that is being created to capture "events" (which may include places, businesses, products, people) of historic value or significance to the Antigo area, except as otherwise approved by the Common Council.
- 5) remain intact for a minimum of five years subject to the following exceptions:
 - a. mutual agreement of the property owners, City, sponsor and artist
 - b. the property on which the mural is located is sold and the new owner has requested that the agreement be terminated; or
 - c. the structure or property is substantially remodeled or altered in a way that precludes continuance of the Public Art
 - d. destroyed by vandalism, fire, flood, terrorism, or other natural or manmade disasters beyond the property owners control

Section 6 - Public Art Maintenance Criteria

- a. Except as otherwise provided for in a written agreement, the sponsor of the project shall retain responsibility for maintenance and regular upkeep of the approved Public Art per the maintenance plan reviewed and approved in conjunction with the approval of the Public Art Project. Where appropriate the maintenance plan for the Public Art shall provide for the treatment of the art with an anti-graffiti coating. If, for any reason, a Public Art piece is removed, destroyed, or has deteriorated, the owner on which the Art is located is responsible for removal except as otherwise provided in a written agreement.

Section 7 - Permit application process

- a. A Public Art permit must be secured for all Public Art installations. No fee shall be charged for this permit. If the installation is not completed per the approved plan, re-inspection fees shall apply.
- b. Application for a permit for Public Art must be completed by the sponsoring person, partnership, corporation, limited liability company or other entity and submitted to the Buildings Inspector/Zoning Administrator and shall include the following information:
 - 1) Completed City application form for a Public Arts permit
 - 2) Project information on the program including each location (including alternate locations if any). A dimensioned sketch for each location identifying the boundaries within which the Public Art element is to be located. Pictures depicting the relationship of the Public Art element to adjacent buildings and spaces.
 - 3) The overall theme of the Public Art Project and, if applicable, a listing of the specific topics (including alternates if any) that will be addressed in the individual Public Art elements of the project
 - 4) Information on the materials to be utilized for the project and the durability of these materials.
 - 5) Maintenance plan which plan shall include evidence of available funds or a funding source to cover the cost of the maintenance plan as proposed
 - 6) Acknowledgement that agreements must be secured for each location at which Public Art is to be located which agreements shall, at minimum, provide rights to the program sponsor to access the property for maintenance purposes and require the owner of the property to commit to maintaining the Public Art element on the property for a minimum of five (5) years except as otherwise provided for in this Chapter

Section 8 - Permit review process

- a. Once submitted a Public Art permit application shall be reviewed by the Building Inspector/Zoning Administrator as follows:
 - 1) The Building Inspector/Zoning Administrator shall determine whether the application is complete and whether the proposed project meets the eligibility criteria to be considered a Public Art project. If the Building Inspector/Zoning Administrator determines that the application is not complete or does not fulfill the eligibility criteria to be considered Public Art, it shall be returned to the Applicant. If the Building Inspector/Zoning Administrator determines that the application is complete, the applicant will be notified accordingly.

- 2) Upon notifying the Applicant that their application is complete the Building Inspector/Zoning Administrator shall review the application and evaluate and comment on whether the Public Art Project as proposed meets the criteria established under the program
 - 3) Upon completion of the review, the Building Inspector/Zoning Administrator shall then submit the application to the Plan Commission for review and recommendation to the Common Council as to whether the Public Art Permit should be issued.
- b. Plan Commission Review and Recommendation
- 1) The Plan Commission shall consider the application at a regular or special meeting open to the public. The Public Art Project Sponsor shall be in attendance to present a summary of the proposal and to answer questions that may arise at the meeting.
 - 2) The Plan Commission shall consider the effectiveness of the proposed Public Art Project in meeting the objectives of and criteria for the program and the effect of the proposed project on the health, safety, morals, and general welfare of the surrounding areas and the overall community. The Plan Commission may request further information and/or additional reports from the Building Inspector/Zoning Administrator and/or the Sponsor to be considered at a subsequent meeting.
- c. Common Council Review and Consideration
- 1) The Common Council shall consider the Public Art Application following the recommendation from the Plan Commission.
 - 2) The Common Council shall consider the Plan Commission's recommendation regarding the proposed Public Art project. The Council may request further information and/or additional reports from the Plan Commission, the Building Inspector/Zoning Administrator, and/or the Applicant. The Common Council shall also consider the effectiveness of the proposed Public Art Project in meeting the objectives of and criteria for the program and the effect of the proposed project on the health, safety, morals, and general welfare of the surrounding areas and the overall community.
 - 3) The Common Council, in the permitting of a Public Art Project, may impose, in addition to the standards and requirements expressly specified by the Municipal Code, additional conditions which the Common Council considers necessary to protect the best interests of the surrounding area or the City as a whole.
 - 4) The Common Council may approve the Public Art Permit application as originally proposed, may approve the application with modifications (per the recommendations of the Building Inspector/Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the application.

Section 9 - Effect of Denial

No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except if new information is submitted to the Building Inspector/Zoning Administrator sufficient to change his recommendation, or, the proof of a change of factors used to deny said application, is found to be valid by the Building Inspector/Zoning Administrator.

Section 10 - Time Limits on Completion

Once a permit for a Public Arts project has been approved, this project, unless an extension is granted by formal action of the Common Council, must commence ("Project Initiation Date") within 180 days of said approval of the permit by the Common Council, and shall be completed within 365 days of the project initiation date. The failure to initiate or complete the project within the periods set forth herein shall automatically constitute a revocation of the Public Art permit.

Section 11- Termination or Revocation of an Approved Permit

- a. Any Public Art Project found not to be in compliance with the terms of this Title and/or the conditions under which a permit for the project was issued under this Title shall be considered in Violation of this Title and shall be subject to the penalties set forth under the General Penalty Provisions of the City Code. A Public Art Permit may be revoked for such a violation by majority vote of the Common Council.
- b. Public Art created or installed under a Public Art permit that has been terminated or revoked must be removed by the sponsor and/or property owner within 60 days of the date of the notice to remove, or sooner based upon a finding by the Common Council that it is a detriment to the public health, safety, or welfare. If said Public Art is not removed within the time period provided in the notice, the City shall have the right, but not the obligation, to either remove or contract for the removal of the non-permitted Public Art media and shall bill the property owner, or sponsor, for all costs incurred in taking this action. Any costs incurred shall be in addition to the penalties set forth in the General Penalty Provisions.

This Ordinance shall be in force and effect from and after its passage and publication.

ADOPTED: September 8, 2021

APPROVED: September 8, 2021

Bill Brandt
Mayor

Kaye M. Matucheski
City Clerk