NOTICE OF DEVELOPMENT STANDARDS REVIEW TASK FORCE WORKSHOP MEETING
CITY OF SOUTH PADRE ISLAND

WEDNESDAY, SEPTEMBER 9, 2020

10:00 AM AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to Order

2. Pledge of Allegiance

3. Public Comments and Announcements
   This is an opportunity for citizens to speak to the Task Force relating to agenda or non-agenda items. Speakers are required to address the Task Force at the podium and give their name before addressing their concerns. [Note: State law will not permit the Task Force to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future Development Standards Review Task Force meeting]

4. Regular Agenda

   4.1. Discussion regarding Chapter 15 Signs, Art in Public Spaces, Commercial Art, and related issues.

5. Adjourn

NOTE:
One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

DATED **THIS THE 4TH DAY OF SEPTEMBER 2020**

Angelique Soto, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF WORKSHOP OF THE DEVELOPMENT STANDARDS REVIEW TASK FORCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **SEPTEMBER 4, 2020**, AT/OR BEFORE 2:00 PM AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

Angelique Soto, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, BELINDA TARVER AT (956)761-8103.

CITY OF SOUTH PADRE ISLAND

Item No. 4.1

CITY OF SOUTH PADRE ISLAND
DEVELOPMENT STANDARDS REVIEW TASK FORCE
AGENDA REQUEST FORM

MEETING DATE: September 9, 2020

NAME & TITLE: Belinda Tarver, Building Official

DEPARTMENT: Planning/Parks & Rec. Department

ITEM
Discussion regarding Chapter 15 Signs, Art in Public Spaces, Commercial Art, and related issues.

ITEM BACKGROUND
The Development Standard Review Task Force would like to discuss and possible recommend modifications to Chapter 15 Signs regarding Art in Public Spaces, Commercial Art, and related issues.

BUDGET/FINANCIAL SUMMARY
N/A

COMPREHENSIVE PLAN GOAL
N/A

LEGAL REVIEW
Sent to Legal: No
Approved by Legal: No

RECOMMENDATIONS/COMMENTS:

Chapter 15 - SIGNS

Sec. 15-1. - Purpose.

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City of South Padre Island, Texas to maintain and enhance the aesthetic environment and South Padre Island's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of community standards. These regulations are aimed at achieving the goals, objectives, and policies enumerated in South Padre Island Plan 2010. This Ordinance is adopted pursuant to Chapter 216, of the Texas Local Government Code.

Sec. 15-1.1. - Review—Amendment.

In order to carry out the purpose of this Chapter the City Council in 1996 appointed an Ad Hoc Sign Ordinance Review Committee which made recommendations to the City Council and which amendments were passed. The City Council do not wish to consider further amendments to this Chapter without recommendations from an appropriate citizen committee such as the Ad Hoc Sign Ordinance Review Committee. The City Council may appoint an Ad Hoc Sign Ordinance Review Committee every three years to review this Chapter and the City Council will review said recommendations prior to amending this Chapter.

Sec. 15-1.2. - Provisions of this chapter apply to ETJ.

All provisions of this Chapter 15 (sign regulatory ordinances) that regulate outdoor signs shall apply within the area of the extraterritorial jurisdiction of this city as defined by Chapter 42 of the Texas Local Government Code.

(Ord. No. 10-09)

Sec. 15-2. - Definitions.

For purposes of this Ordinance, the following definitions shall apply:

Abandoned Sign means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)

Airborne Sign means sign on a balloon, flag, pennant, or inflatable sign.

Altered means a change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.

Animated Sign means any sign which includes action or motion.

Art in Public Spaces means art located in places easily seen by the public but which has no direct commercial connection to the structure or location in which this art is located. Reviewed and approved by the Development Plan Review Board on a case by case basis.

Average Grade means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public

street or the grade of the land at the principal entrance to the principal structure of the zone lot, whichever is lower.

Banner means a temporary sign made of fabric, plastic, paper, or other light, pliable, or non-rigid material, not enclosed in a rigid frame (not including a "fabric sign" as defined herein).

Billboard means any sign that is freestanding or attached to or part of a building and is an off-premise sign.

Building Face or Wall means all window and wall area of a building in one plane or elevation.

Business Information Sign means a sign that is permanently and professionally attached to a door or window at the entrance of a business that contains information that may include the Business Name, Address, Phone Numbers, Hours of Operation, and Trade Associations the Business is a member of, e.g. FDIC, SBA, etc. All of the information must be located within the maximum Area of Sign for Business Information Sign as defined in Table 15-1. A Business Information Sign is not a Window Sign or a Wall Sign.

Canopy means any structure attached to a building at the inner end or a free-standing structure, with one or more supports, meant to provide shelter from the weather.

Changeable Copy Sign (Manual) means a sign on which copy is changed manually in the filed, i.e., reader boards with changeable letters or changeable pictorial panels.

Changeable Copy Sign (Automatic) means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center, or reader board where different copy changes are shown on the same lamp bank.

Charitable Project or Benefit means proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.

Commercial Art means art on commercially-used structures which draws attention from the ROW and which identifies or advertises a product or business. Since this type of art is intentionally located and chosen to draw attention to the store and/or store products, the square footage of the art will be counted towards maximum signage area requirements.

Commercial Sign means a sign other than a real estate "For Sale" or "For Lease" sign, "Open House" sign, political sign, residential nameplate sign, public information sign, traffic control sign, temporary new business opening sign, or exempted sign, which directs the attention of the general public to a business, product, service, or other commercial or business activity.

Conforming Sign means signs built and maintained in accordance with the terms of this Ordinance.

Contractor's Sign means a sign intended to identify a contractor or subcontractor on the site of a construction project where the contractor or subcontractor is conducting work.

Copy means the wording or graphics on a sign surface.

Erect means to build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics, or any physical operations on the premises which are required for the construction of a sign including excavation, site clearance, landfill an the like.

Fabric Sign means a sign made of fabric or other non-rigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

Facade means the front or main part of a building facing a street.

Face of Sign means the entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a place.

Fine Art means art, as reviewed and approved by the Development Plan Review Board which is created by a recognized artist and which is displayed in or on Town of South Padre Island owned property.

Flashing Sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely mounted intermittent light source.

Freestanding Sign means any sign which is not attached to or on the walls, face, or exterior of a building.

Future Project Development Signs means those temporary signs announcing a future business or development on the site which the sign is located. Future Project Development Signs should be allowed only on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension (but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.

Grand Opening means the initial opening of an entirely new business.

Ground level means the immediate surrounding grade.

Height of Sign means the vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

High Rise Building means a structure of more than Six (6) stories in height.

Illegal Sign means signs existing on the effective date of the adoption of this Ordinance which are not registered in accordance with the terms of Subsection 15-3A shall be categorized as illegal.

Image Sign means a two dimensional picture/poster used in lieu of models or actual merchandise displays, displayed through a window, and which has no wording other than trademark or brand name/brand logo. For example means portraits and brand name posters/product pictures portraying models wearing/using products; model wearing Nike swimming apparel or a model using a boogie board.

Indirect Lighting means a light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.

Joint Directory Sign means a sign which consists of a composite of several individual signs identifying the businesses located in a commercial or office complex.

Landscaping for the purposes of this Ordinance, landscaping shall include any combination of shrubs, vines, hedge plantings, plants, trees or palms located in a planting area at the base of the sign. For the purposes of this chapter, the term "landscaping" shall not mean solely turf or grass, or the total absence of vegetable matter.

Legally Non-Conforming means signs existing on the effective date of the adoption of this Ordinance which are not in conformance with the Ordinance but which are registered with the Building Department in accordance with the terms of Section 15-3, shall be categorized as legally non-conforming.

Logo means a letter, character, or symbol used to represent a person, corporation, or business enterprise.

Lot means a parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

Major Corporate Sponsor means the sponsor of a public event, listed on all advertising and other public promotions, resulting from the contribution of funds, equipment, products, and/or in-kind services to the event.

Marquee means any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

Minimum Sight Triangle means a triangular area bounded by the right-of-way lines of a corner lot and a line connecting the two points on the right-of-way lines measured twenty (20) feet from the point of intersection of the right-of-way lines. For ingress/egress points and private roads, the minimum sight triangle shall be determined using the intersection of the curb line or edge of pavement for the ingress/egress point or private road and the public right-of-way.

Monument Sign means a freestanding sign, other than a pole sign, which has a skirt, dressed base, or other means of enclosing the structural members which support the sign, and which skirting or dressing has been approved by the Development Plan Review Board base must equal at least Fifty Percent (50%) of sign width and not to exceed One Hundred Twenty Percent (120%) of the width of the

sign for signs up to Eight (8) feet in height. For signs proposed to be taller than Eight (8) feet in height, the width of the of the approved skirting or dressing must equal a minimum of Fifty Percent (50%) of the sign width, but shall in no case exceed Four (4) feet in width. For the purposes of this Ordinance, the terms "skirting" and/or "dressing" shall mean the enclosing of the structural members which support the sign with materials such as decorative masonry, natural and decorative stone, masonry with a stucco finish, and decorative wood such as redwood or cedar when appropriately finished to prevent decay and discoloration; no skirting may be made from metal or plastic materials. No signage is permitted on the skirting except street address.

Multi-Pole, Single Pole Sign means a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

Office Complex/Multi-Tenant Shopping Center means two (2) or more offices or stores sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership.

Official Sign means any sign erected by or at the direction of any governmental body.

Off-Premises Sign means any sign other than an on-premise sign.

On-Premises Sign means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

Owner means a person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

Painting means the application of paint in the course of normal maintenance which in no way shall alter the message or group of works or letters.

Parasite Sign means any sign not exempted by the sign code, for which no permit has been issued, and which is hung from, attached to, or added onto an existing sign.

Permanent Multi-Family or Subdivision Identification Sign means a sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

Person means any natural person, firm, partnership, association, corporation or organization of any kind.

Place of Business means one enclosed structure with a Certificate of Occupancy regardless of the number of commercial uses within. For the purposes of this chapter regulating signage, each place of business must be separated from other places of business with non-penetrable walls in such a manner that the public must enter and/or exit the business through an exterior door.

Political Sign means any sign which is designated to influence the action of voters for the passage or defeat of a measure appearing on the ballot in connection with any national, state or local election.

Portable Sign means any sign not permanently affixed to a building, structure or the ground, and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs, sail flag signs, feather flag signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

Premises means an area of land, with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Project Development Sign means a temporary sign for a commercial or multi-family tract during the construction of the proposed development which may identify a project under construction and includes the project's name and address, general contractor, architect, financing, and contact agent, with appropriate phone numbers. These signs should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit. (see also Future Project Development Sign)

Projecting Sign means a wall-mounted sign, erected in lieu of the permitted, free-standing monument sign, which projects from the face of a structure, meeting the following requirements:

(1) The sign shall be pinned away from the wall of the structure a minimum of six (6) inches.

(2) The sign shall not extend over any adjacent right-of-way or property line.

(3) Projecting signs shall be designed as an integral architectural element of the building to which it principally relates. The mounting brackets of such signs will be an integral part of the sign and complementary to the design of the sign. No projecting sign shall be entirely supported by an unbraced parapet wall.

(4) No unshielded lights will be permitted. All lighting fixtures shall be placed in such a way as they will not be struck or otherwise damaged by the sign in the event of high wind.

(5) Projecting signs shall be designed to meet the wind resistance requirements of Section 15-10.

Public Information Sign means any sign or banner which is intended to identify community, civic and social events, special events, facilities, no-trespassing areas and is not a commercial sign or official sign as defined herein.

Reader Board means a sign that has changeable or removable lettering.

Real Estate "For Sale", "For Lease", or "Open House" Sign means a temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

Reflective Surface means any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

Required Signs means any sign required by law for the protection of the general health, safety and welfare of the public. For the purposes of this Ordinance, numbers attached to the front plane of a facing and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four (4) inches in height, shall be of a color in distinct contrast to the color of the wall to which it is attached, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.

Residential Nameplate Sign means a sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind.

Roof Line means the highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

Roof Sign means a sign attached to, and wholly or partially dependent upon, the roof of a structure for support, or attached to the roof in any way, but not extending above the roof line, as defined by this Ordinance. Such signs will be completely enclosed between the sign and the corresponding roof, and shall be designed to meet the wind resistance requirements of Section 15-10.

Sign means anything of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, curbside or any other public areas including waterways for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of "sign" shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a "sign" (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (Ord. 02-14; Nov.20, 2002) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community's desired image.

Sign Area means the area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. For buildings that are not on public rights-of-way and/or near to property boundaries (e.g. building structures on a pier), sign areas shall be calculated on the basis of the most visible building frontage.

Sign Structure means the sign and all parts associated with its construction.

Snipe Sign means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located.

Suspended Sign means a sign, other than a parasite sign, that is suspended from and supported by the underside of an awning, a marquee, a fascia, an umbrella, or a building overhang.

Temporary Signage means a sign erected for a special purpose and for a specifically stated short term of duration, as regulated by Sections 15-6(G), 15-7, and 15-12. Temporary signage may include such otherwise prohibited forms of signage as portable signs [Section 15-5(E)] and banners [Section 15-5(F)].

Traffic Control Sign means a permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Umbrella means a device, often round or square in shape that is supported by a center pole that provides shade or protection. For purposes of this article, any device, structure, canopy, etc. that is handheld, or that is totally or partially enclosed, or that projects from or is connected to a building shall not be deemed to be an umbrella.

Umbrella Sign means a sign that is painted, installed, or otherwise applied to or located directly on an umbrella at an establishment. The sign, which is a combination of letter and/or logo, height is limited to 8 inches. Signage may only be displayed on the flap of the umbrella that is maximum 8 feet in diameter and 8 feet in height. Umbrella that is larger than the size limit shall not have any signs on it. The copy on an umbrella sign is limited to the name and/or logo of a single appurtenant business/residential establishment. For purposes of this article, signs that are suspended from umbrellas (suspended signs) shall not be considered to be umbrella signs. Suspended signs are prohibited.

Wall Sign means a sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plan parallel to the face of the wall and not projecting more than Nine (9) inches from the face of the wall at any point.

Window Sign means a sign-printed, painted, neon or otherwise—no greater than thirty-two (32) square feet, displayed in or through a window or glass door and which can be seen from the front property line/right of way line. All windows signs except open or closed, name of store or business and national product logos (Image signs are permitted) are prohibited after February 1, 2012.

(Ord. No. 10-02; Ord. No. 04-03, 3-17-2004; Ord. No. 05-13)

Sec. 15-3. - Permits, renewals, expiration and transfers.

Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Manager, or his designee, for a sign permit to do so, and a sign permit has been granted therefore. Should any existing sign be enlarged, replaced, moved, or reconstructed, it shall be considered a new sign, requiring a sign permit. If

an existing sign is repainted or the sign panels replaced for the purpose of changing the business or tenant, it shall require the filing of an assignment permit, pursuant to Section 15-3(G)(2). However, the re-painting of a sign face or the replacement of sign panels for ordinary maintenance, shall not constitute such a change as to classify the sign as a new sign, and shall not require a sign permit, providing that the repair and/or replacement shall be in conformance with the height, location, and dimensions as shown in accordance with the original sign permit, and that any damage to the sign shall not be sufficient to make the sign subject to the requirements of Section 15-13. The primary responsibility for securing the necessary permit(s) shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this Ordinance, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this Ordinance arising from violations resulting from that work.

(A) Applications shall be submitted to the Public Works Department for review and approval. Said application shall consist of a scale drawing showing the detail and dimensions of said sign along with the dimensions of the building and proposed location of the sign(s).

(B) All signs which are electrically illuminated by neon and other means shall require a separate electrical permit and inspection.

(C) All signs shall be erected within Ninety (90) days of issuance of the permit; otherwise the permit shall become null and void.

(D) Signs erected and maintained by the Town shall not require a permit nor may they be restricted by the provisions of this Ordinance.

(E) All signs existing on the original date of passage of this Ordinance shall be registered and contain the information of 15-3(A) by February 15, 1993, conforming or legally non-conforming.

(F) The City Manager or designee shall cause an inspection of the sign for which each permit for a new sign or for modification of an existing sign is issued during the fourth (4th) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the City Manager or designee shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete, but not in full compliance with this Ordinance and applicable codes, the City Manager or designee shall give the owner or applicant notice of the deficiencies and shall allow an additional Thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the City Manager or designee shall affix to the premises the permanent symbol described above.

(G) The owner of a sign requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such sign.

(1) A continuing sign permit shall lapse automatically if the business ceases. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of Ninety (90) days or more and is not renewed within Thirty (30) days of a Notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

(2) A current and valid sign permit shall be freely assignable to a successor as owner of the property of a business for the same premises, subject only to filing such application as the City Manager or designee may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

Sec. 15-4. - Administrative procedures.

(A) All applicants for a sign permit shall use forms provided by the City Manager or designee. The applicant shall answer all questions and, if required, include a site plan indicating the location of all structures in relation to property lines.

(B) All signs shall conform to the standards contained in Section 15-7, unless otherwise provided herein.

(C) All fees shall be approved by the Board of Aldermen and may be amended from time to time.

(D) Applicants are encouraged to use designs which enhance the aesthetic appearance of the Town and shall be given incentives.

(E) Representations by the Sign Permit Applicant: All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this Ordinance shall constitute a material factor in granting a sign(s) permit. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this Ordinance.

(F) Voiding of Sign Permit: Any permit may be revoked by the City Manager or his designee, at any time prior to the completion of the sign for which the same was issued, when it shall appear to him that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the same was procured by false representation, or that any provision of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed in the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter, no such construction shall proceed.

(G) Replacement of Permanent Signs: In those instances where a permit is requested to replace an existing permanent sign, the original sign shall be completely removed prior to erection of the replacement sign. The sign structure of the original sign may be maintained in those instances where the replacement sign merely involves replacement of the sign lens or face, and where the replacement of the original sign does not invoke the requirements of Section 15-13.

Sec. 15-5. - Certain signs prohibited.

The following signs shall be prohibited in the Town of South Padre Island:

(A) Airborne signs.

(B) Illegal signs as defined by the terms of Section 15-2(29), above, or any other sign constructed after the enactment of this Ordinance and which is not in compliance with the terms of this Ordinance.

(C) Moving, Swinging, Flashing Signs, including electronic message centers, with the exception of time and temperature signs, however, such time and temperature signs shall be for that purpose only, shall be constant in nature, and shall not grow, melt, x-ray, up or down scroll, write-on travel, inverse, roll, snow or present pictorial or other animation.

(D) Off-Premise signs.

(E) Portable signs, except those used for temporary purposes as authorized by this Ordinance.

(F) Banners.

(G) Sidewalk sandwich signs.

(H) Pole signs.

(I) Snipe signs.

(J) Signs with a reflective surface as herein defined.

(K) Signs which contain characters, cartoons, or other representation, or statements, words or pictures of an obscene, prurient, or immoral character.

(L) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which may hide from view any traffic or street sign or signal.

(M) Any sign construed or located in such a manner that is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building. Such signs will be subject to immediate removal by the City Manager, or his designee, without notice, at the expense of the owner.

(N) Signs attached directly to a door or window. The only exceptions to this provision are a Business Information Sign, "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs. [Ord 05-13]

(O) Signs painted on or affixed to benches.

Sec. 15-6. - Sign types permitted.

The following signs shall be permitted under the provisions of this Ordinance.

(A) Residential Signs:

1. Residential nameplate signs.
2. Permanent multi-family or subdivision identification signs.

(B) Commercial Signs for Multi-Tenant Centers and Office Complexes:(See Section 15-7(B) Sign Standards)

1. Monument signs.
2. Awning and wall signs.
3. Joint directory commercial signs.
4. Nameplate Signs.
5. Roof Sign.
6. Window Signs—see Tables 15-3A & 15-3B for further details. Ord 04-03; 3/17/04

(C) Commercial Signs for Single Business Use:

1. Monument signs.
2. Awning and wall signs.
3. Nameplate Signs.
4. Projecting Sign.
5. Roof Sign.
6. Window Signs—see Tables 15-3A & 15-3B for further details. Ord 04-03; 3/17/04

(D) High Rise Building Signs.

(E) Traffic-Control Signs upon private property.

(F) Political Signs.

(G) Temporary Signage:

1. Future Project Development Signs—only allowed on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension (but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.
2. Project Development Signs: temporary sign for a commercial or multifamily tract during the construction of the proposed development. These signs should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit.

3. Real Estate, For Sale, For Lease— 30 days after sale or lease.
4. Open House signs—The day of the Open House only.
5. Contractor's Sign.
6. The following miscellaneously allowed Business Marketing/Advertising Temporary Signs:
   a. Advertising a "grand opening," one time only permit per business, for a ten (10) day period.
   b. For general business purposes, limited to four (4) permits per year per business.
   c. For charitable projects and benefits, limited to two (2) permits per year per business.
   d. For recognized events and Town holidays, as provided in Section 15-12.

(H) Any sign not specifically listed as being permitted herein, is expressly prohibited.

Sec. 15-7. - Sign standard.

(A) General:

1. All signs, temporary or permanent, must appear to be professionally made and/or printed.
2. No sign that appears to be hand printed will be allowed.
3. No awning, wall and/or roof signage may be used for advertising prices of products or services.
4. The following tables contain standards which are applicable to all signs permitted under the terms of this Ordinance.
5. The provisions of Tables 15-3A & 15-3B become effective midnight December 1, 2004.
6. Backlit signs with removable letters shall be allowed only on monument-style signs. In such cases, no more than 70% of the sign face can be used for marquee/removable letter area, and the remaining 30% or greater area may be used only for background color, the business name and/or logo.
7. Wall signs cannot be painted directly on the walls or surfaces of any structure and can include only the name of the on-premise business, business logo, business byline, and/or business products and services.

TABLE 15-1
Sign Number, Area and Height Regulations***

SIGN TYPE	MAX. NO. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
Residential Signs				
1) Residential Nameplate signs	1 per dwelling unit	2 sq. ft per residence OR 0.5 sq. ft per multi-family unit	6 ft from average grade	15 ft from ROW & Property Line (PL)
2) Permanent multi-family or subdivision identification signs	1 per project or subdivision	24 sq. ft	16 ft from average	15 ft from ROW & PL

			grade	
Commercial Signs for Multi-Tenant Centers & Office Complexes				
1) Monument Signs (Doubled Faced)	1 sign per center	72 sq. ft per face	16 ft from average grade	15 ft from ROW & PL
2) Awning, Wall & Roof Signs	As determined by tenant**	64 sq. ft. total		15 ft from ROW & PL
3) Joint directory commercial signs	1 per tenant	2 sq. ft per tenant	16 ft from average grade	15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq. feet		15 ft from ROW & PL
5) Window Sign Prohibited after Feb 1, 2012; Ord 10-02	4—As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance,		
Commercial Signs for Single Business Use				
1) Monument (Double Faced)	1 sign per lot*	50 sq. feet per face	16 ft from average grade	15 ft from ROW & PL
2)Projecting Sign	1 sign per lot in lieu of monument sign	36 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
3) Awning, Wall, Roof Signs	As determined by business**	64 sq. ft total		15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq ft.		15 ft from ROW & PL

5) Window Sign Prohibited after Feb 1, 2012 Ord 10-02	4 As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6)Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance,		
High Rise Buildings				
1) Monument Double-Faced	1 sign per lot*	72 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
2) Awning & Wall Signs	1 sign per lot	10% of the wall plane surface area, or 250 sq. ft., whichever is less.	Height of the wall	15 ft from ROW & PL
Traffic Control Signs located on Private Property				
	Comply with state standards	2 sq. ft.	8 ft. from average grade	
Political Signs				
		No greater than 36 sq. ft.	No greater than 8 ft tall	
Temporary Signage				
1) Future Project Development Signs (issued prior to construction of project)	1 per Development (not allowed in addition to Project Dev. Sign	32 sq. ft.	8 ft from average grade	15 ft from side property line
2) Project Development Signs (Issued during construction of project)	1 per Development (not allowed w/ Future Project Dev. Sign)	32 sq. ft.	8 ft from average grade	15 ft from side property line

3) Freestanding Real Estate Signs, For Sale , For Lease	1 per lot	Sites with less than 1 acre = max of 6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
		Sites > 1 acre and < 5 acres = max of 16 sq. ft.	8 ft from average grade	15 ft from ROW & PL
		Sites 5+ acres = max of 32 sq. ft.	8 ft. from average grade	15 ft from ROW & PL
4) Open House Signs	1 per lot	6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
5) Contractor's Signs	1 per contractor and subcontractor	6 sq. ft.	3 ft. from average grade	15 ft. from ROW & PL
6) Miscellaneous Allowed Business Marketing/Advertising Temporary Signs— See Section 15-6(G)(6)	1 per business per permit [see Section 15-6(G(6)]	36 sq. ft. per sign	16 ft from average grade, if free standing	15 ft. from ROW & PL
7) Sail Flag Signs and Feather Flag Signs	2 per business except multi-tenant center only 1 per business	18 sq. ft. per sign	16 ft. from average grade	15 ft. from ROW and property line

* One per property, except where a business owns, under single ownership, the entire street frontage of a block, that is, the entire frontage of a public street between two other intersecting public streets, may be permitted two, free-standing monument signs, as defined by this Ordinance, providing the signs are placed a minimum of 150 feet apart. In those areas on the north and south ends of the community where the "C" District is not divided in the traditional grid pattern of "blocks," a business which owns, under single ownership, a minimum of 200 feet of lineal street frontage, as measured on a single street (i.e., the measurement shall not be made around the corner of one street onto another), the business may be permitted two, free-standing monument signs, provided they are placed a minimum of 150 feet apart. In no instance shall a business with a(n) existing non-conforming free-standing sign(s) be permitted the two free-standing monument signs permitted under this provision unless and until the non-conforming free-standing sign(s) is (are) first removed.

**Single businesses and tenants of multi-tenant centers and office complexes may have any number of awning, wall, or roof signs, as defined and permitted by this Ordinance provided the total square footage of all such signs does not exceed the allowed square footage as defined by this chapter as seen from the public right of way from any line of sight.

***A variance of the requirements of this Table may be granted by the Development Plan Review Board. [See Section 15-14]

TABLE 15-2
Review, Lighting, Landscaping, and Duration Requirements for Signs***

SIGN TYPE	REVIEW REQUIRED?	OPTIONAL LIGHTING TYPE	DURATION LIMIT (Subject to Section 15-3G)
Residential Signs			
1) Residential Nameplate	No	Direct or Indirect	None
2) Permanent multi-family or subdivision identification	Yes	Direct or Indirect	None
Commercial Signs for Multi-tenant Centers and Office Complexes			
1) Monument	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None
3) Joint Directory Commercial	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None
5) Window*	Yes	Neon only	None
Commercial Signs For Single Business Use			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Projecting	Yes	Direct or Indirect	None
3) Awning, Wall, Roof	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None

5) Window*	Yes	Neon only	None
High Rise Buildings			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None
Traffic Control Signs Located on Private Property			
	Yes	Not Applicable	
Political Signs			
	No	Not permitted	
Temporary Signage			
1) Future Project Development Signs (issued prior to construction of project)	Yes	Not permitted	Up to one year OR until receipt of Building Permit for project, whichever is the lesser time period. One (1) extension may be granted with proof of satisfactory progress of on-site development.
2) Project Development Signs (Issued during construction of project; after receipt of Building Permit)	Yes	Direct or Indirect	Valid for the life of the project until/unless the Building Permit expires, OR no longer than 30 days after receipt of Certificate of Occupancy
3) Freestanding Real Estate Signs, For Sale , For Lease	If less than 6 sq. ft.— No.	Not permitted	30 days after sale or lease
	All Others— Yes.	Not permitted	30 days after sale or lease
4) Open House signs	No	Not permitted	The day of the Open House Only

5) Contractor's Sign	No	Not permitted	With issuance of certificate of occupancy OR 15 days if building permit not required
6) Miscellaneous Allowed Business Marketing/Advertising Signs—See Section 15-6(G)(6)	Yes	Direct or Indirect	15 days per permit
7) Sail Flag Signs and Feather Flag Signs	Yes	Not permitted	6 months per permit

* All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image sign(s) are permitted).

***A variance of the requirements of this Table may be granted by the Development Plan Review Board. [See Section 15-14]

Table 15-3A Window Signage*
Allowing the name of the business, byline, logo, and/or specials & advertising
All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image signs are permitted).

Total Linear ft. per street side with windows per place of business	Max. No. of Window Signs Per Place of Business	Max. area Per window/image sign	Max. total area of Window Signage	Minimum distance between window signs
100 ft. or less	1	32 sq. ft.	32 sq. ft.	N/A
101 ft. or greater	2	32 sq. ft.	64 sq. ft.	10 ft. or equally spaced whichever is greater.
150 ft. or greater	3	32 sq. ft.	96 sq. ft.	10 ft. or equally spaced whichever is greater.
200 ft. or greater	4	32 sq. ft.	128 sq. ft.	10 ft. or equally spaced whichever is greater.

Table 15-3B Image Signage
Allowing 2D images of models and product display

Total Linear ft. per street side with windows per place of business	No. of Image Signs Per Place of Business	Max. area per each image sign	*Maximum possible area of Image Signage
100 ft. or less	1	32 sq. ft.	64 sq. ft.
101 ft. or greater	2	32 sq. ft.	128 sq. ft.
150 ft. or greater	3	32 sq. ft.	192 sq. ft.
200 ft. or greater	4	32 sq. ft.	256 sq. ft.

* Businesses can substitute window signage (Table 15-3A) for display of additional image signage (Table 15-3B), but cannot substitute allowable image signage for additional window signage. For example, a business allowed to have 4 window signs and 4 image signs, may choose to have 2 window signs and 6 images signs; however they may NOT have 6 window signs and 2 image signs. Under no circumstance may a business have more than four (4) window signs.

The provisions of Table 15-3A & 15-3B become effective midnight December 1, 2004.

*All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image signs are permitted).

(B) Multi-tenant Structures: Unified sign plans are requested by the Design Review Committee in order to promote a compatible style or theme between all signs within a single multi-tenant development. The unified sign plan, which will include a plan for all monument and awning, wall, or roof signage, is not intended to prevent multi-tenant establishments from self-expression or creative advertisement. Each business within the multi-tenant center will still be required to obtain individual sign permits. Approval of a unified sign plan will only set the parameters for the future signs within a multi-tenant development.

• The proposed sign type should be complimentary to the architectural style of the development.

• The lettering style, sign background color and/or awning color should be compatible with one another.

(1) New Construction: All new multi-tenant commercial developments are required to provide a unified sign plan (to include all monument signage, and awning, wall or roof signage) at the time of site plan submission, to be reviewed by the Development Plan Review Board. This plan shall include the following information.

(a) Sign locations.

(b) Sign dimensions.

(c) Sign background and/or awning colors.

(d) Sign materials/lighting.

(2) Existing Developments: All existing multi-tenant developments will be required to submit a unified sign plan by December 1, 2004 (to include all monument and awning, wall or roof signage). No new sign permits will be issued to any tenant or to the owner of a multi-tenant development until such plan has been submitted and approved by the Development Plan

Review Board. The Development Plan Review Board will review proposed sign plans with input and cooperation from the owners and/or existing tenants of the development. A time line and future sign plan may be established in order to reasonably phase in changes needed to comply with a unified sign plan. The existing sign plan will include the following information for each tenant currently located within the center and for all vacant tenant space within the center:

(a) Sign locations.

(b) Sign dimensions.

(c) Sign background and/or awning colors.

(d) Sign materials/lighting.

(3) Sign Dimensions: Businesses located within a multi-tenant development must comply with the submitted and approved unified sign plan for that multi-tenant development. Owners/tenants may not combine the use of awning, wall and roof signage; they must instead choose one kind of signage of the three. The table below should be used as a general policy to determine the maximum amount of awning, wall or roof signage per place of business.

Another suggested alternative for multi-tenant owners to determine the maximum area of signage for each place of business is to divide the total linear feet of store frontage of the multi-tenant structure by the number of places of business located within the structure, and using the table below, determine the average maximum square footage of signage allowed for each place of business.

Total Linear Feet of Store Frontage per Place of Business	Proposed Total Square Footage of Awning, Wall or Roof Signage
18 feet or less	24 square feet or less
Over 18 feet to 36 feet	32 square feet or less
Over 36 feet to 54 feet	48 square feet or less
Over 54 feet	64 square feet or less

* Awning, wall, and roof signs can only be business identity signs which may include the name of the on-premise business, business logo, business byline, and/or business product and services but under no circumstance shall a business use awning, wall and/or roof signage for the purpose of advertising prices of their products (i.e. 4 T-shirts for $20.00; beer bongs for $9.99, etc.).

** A business may potentially have more than 64 square feet of signage, but no more than 64 square feet can be seen at any one time from any one line of sight.

(Ord. No. 04-03, 3-17-2004)

Sec. 15-8. - Signs exempt from regulation.

The provision of this Ordinance shall not apply to the following signs:

(A) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal provided that such signs shall not exceed Two (2) square feet.

(B) Signs erected and maintained by the Town.

(C) Official Governmental Notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.

(D) Works of fine art, as identified by the Development Plan Review Board which in no way identify or advertise a product or business.

(E) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national or local holiday or celebration; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

(F) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(G) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of business, indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers and the like); provided that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business, are in operable condition, and carry a current and valid license plate and state inspection tag.

(H) "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs, provided that the sign does not exceed five (5) square feet. No more than one (1) such sign is allowed per Building Face or Wall.

(Ord. No. 05-13)

Sec. 15-9. - Signs exempt from permitting requirements.

(A) Political signs.

(B) Real Estate "For Sale" Signs.

(C) Required signs.

(D) Contractor's Sign.

Sec. 15-10. - Wind pressure load requirements for signs.

Any sign as defined in this Ordinance, which will have a height, of Six (6) feet or more, shall be designed and constructed to withstand wind load pressures in pounds per square foot as set out in Table 15-4.

TABLE 15-4
Minimum Wind Load Pressure Resistance in Pounds Per Square Foot

Sign Height	Pressure
0—30 feet	35 PSF
31—50 feet	45 PSF
51—99 feet	55 PSF
Over 100 feet	70 PSF

Sec. 15-11. - Fees, maintenance of and abandoned signs.

(A) The Board of Aldermen shall approve all fees for issuance of permits pursuant to Chapter 15. A current list of fees shall be maintained in the Office of the City Manager and the Building Department. The Board may change and alter these fees at any time.

(B) All signs, sign supports and skirting shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading; if skirting is painted it shall match the base color of the building. Broken panels, missing letters, flaking and peeling paint, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead landscaping associated with the sign shall be replaced within thirty (30) days of notification by the Code Enforcement Officer.

(C) Any sign or sign structure which advertises a business, or use no longer conducted or service no longer rendered, or a product no longer offered on the premises where the sign is located shall be classified an abandoned sign, and shall be removed by the owner, agent, or person having beneficial use of the property upon which the sign is located within ten (10) days of notification by the Code Enforcement Officer concerning the removal. "Removal" shall include the subject sign, as well as the sign structure, poles, and other supporting members.

Sec. 15-12. - Special provisions for recognized events and town holidays.

Regardless of any provision to the contrary contained in this chapter, during the Period of recognized events and Town holidays, the Board of Aldermen, or the City Manager or his designee may grant permits for temporary signage of any nature for the specific period of the respective event or holiday without a review by the Development Plan Review Board.

(A) To qualify for a permit, the proposed temporary signage must directly incorporate reference to the applicable recognized event or Town holiday. The use of inflatables, placed at the site of recognized events, is strictly limited to major corporate sponsors of the respective event.

(B) If a permit has been issued for temporary parking facilities pursuant to Section 13-22 of this code, that permit holder may also obtain a temporary sign permit to identify the parking facility. The sign may be a flashing type sign, the exact nature of the sign is subject to approval of the City Manager or his designee. There shall be a $10 fee if the permit is issued simultaneous with the temporary parking facilities permit.

Sec. 15-13. - Legally non-conforming signs—Abatement.

(A) Any existing non-conforming sign legally registered, as required by this Ordinance, may continue to be maintained and used subject to the following provisions:

(1) *Enlargement.* No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of its registration.

(2) *Relocation.* No non-conforming sign shall be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of its registration. Any legally non-conforming sign that is removed from its original location may not be reinstated at any other location within the Town unless it shall conform with all of the requirements of this Chapter.

(3) *Discontinuance.* If the business, service, product, or person advertised or identified by a legally non-conforming on-site sign ceases to be conducted at that site, all signs must be brought into conformance with the requirements of this Ordinance prior to utilization by any new business, service, product or person. (See Section 15-2 for definition of "abandoned" sign.).

(4) *Destruction.* Should any non-conforming sign be damaged or destroyed by any means to an extent that repairs exceed Sixty Percent (60%) of the cost of erecting a new sign of the same type, it shall not be reconstructed except in conformance with all of the requirements of this Chapter.

(5) *Removal.* If a legally registered non-conforming sign is removed for any reason it shall not be replaced except with a conforming sign.

(6) *Wind Load Pressure Requirements.* If a legally non-conforming sign is damaged by the wind, and the damage involves less than Fifty Percent (50%) of the surface area of the sign or the sign structure, then the repair of the sign must comply with the wind pressure requirements of Table 15-3, providing that the wind load pressure requirements can be met without repairing or altering more than Fifty Percent (50%) of the sign surface or sign structure, in which case the sign must then be removed.

(7) *Replacement.* The replacement of any portion or part of a legally non-conforming sign shall classify the non-conforming sign as a "new" sign requiring the conformance of the sign to all of the requirements of this Ordinance at that time.

(8) All non-conforming, off-premise signs must be removed no later than June 1, 2005.

(B) *Determination of Non-Conformance.* In any instance of cases of doubt or a specific question raised as to whether a non-conforming sign exists, it shall be a question of fact and shall be determined on appeal to the City Council as referenced in Section 15-14 of this Ordinance.

Sec. 15-14. - Appeals and variances.

Any person aggrieved by any decision of the City Manager or his designee in the administration of this Chapter may appeal such decision to the Development Plan Review Board. The Development Plan Review Board shall:

(A) Hear and decide appeals that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter,

(B) Grant variances from the strict enforcement of the requirements of this Chapter due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of Chapter 15 is observed and substantial justice is done,

(C) Provide recommendations to the Board of Aldermen regarding ordinance revisions and changes to this chapter to better address the Town's desired direction for aesthetic improvement.

Any person aggrieved by the decision of the Development Standards Review Board in granting approval or denial of a sign permit may appeal such decision to the Board of Aldermen, requesting a

determination by that body. A Notice of Appeal must be filed in the Office of the Town Secretary within ten (10) calendar days following the decision by the Development Plan Review Board. The appeal will specifically state how the application, as filed or subsequently modified, meets or fails to meet the applicable criteria set forth in these regulations. No appeals will be accepted after the tenth calendar day following the decision of sign permit approval/denial. However, if an appeal is submitted, the aggrieved party shall be placed on the agenda for the next regular meeting of the Board of Aldermen for a final decision.

Sec. 15-15. - Bond required.

(A) Upon the granting of the permit required by this chapter, and prior to the commencement of erection and or construction, a bond with good and sufficient sureties for a sum of not less than Ten Thousand ($10,000.00) Dollars providing for the payment to the Town and to any person or persons injured or damaged in person or property, including damages to streets, culverts or any other property of the Town, for all injuries and damages caused by, or growing out of, or in any manner connected with the erection, construction, structural alteration, placing or locating of the sign covered by the permit.

(B) Upon filing of the required bond, the Building Inspector shall determine whether or not the sum of Ten Thousand ($10,000) Dollars is sufficient to cover the amount of probable damage. In the event that it is determined that a higher amount is necessary to cover such damages, such bond shall be made and increased to such determined amount.

Sec. 15-16. - Penalty provisions.

Any person convicted of a violation of any provision of this Chapter shall be fined in an amount not to exceed Five Hundred Dollars ($500.00) as provided by Section 21-1 of Chapter 21 of the Code of Ordinances and each day that the violation continues shall be a separate violation.

Art in Public Places Handbook 2017

Lending a Helping Hand, Cloyd Barnes, Photo courtesy of Arts Management and Planning Associates

Updated – October 2016

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Introduction

The City of Golden's Art in Public Places Program create a healthy, vibrant atmosphere that contributes to the quality and cultural identity of our community. It is inspired by a variety of goals including encouraging cultural expression and inspiring a sense of civic pride.

Artists bring a unique perspective to design development. They provide an aesthetic balance to capital improvement projects and create memorable spaces for residents, businesses and visitors.

Enhancing the character of our community through public art directly supports cultural tourism and economic development.

Butterfly, Patrick Madison, Photo courtesy of Arts Management and Planning Associates

Section 1: City Ordinance

City of Golden Ordinance 1940 established the Art in Public Places Program and the Public Art Commission. This ordinance serves as the conduit for community enrichment by providing a wide range of art in public places, recognizing that art in a public setting is vital to a livable community and contributes to economic development.

Monarch, Buck McCain, Photo courtesy of Arts Management and Planning Associates

Golden Municipal Code Chapter 2.60 Art in Public Places

2.60.010: Purpose

The purpose of this chapter is to provide a means to fund the acquisition of artwork by the City for display in public places, to establish guidelines for selection of artwork for the City's public art collection, to provide for the display of the City's collection and to provide for the management, maintenance and repair of artwork in the City's public art collection.

2.60.020: Definitions

As used in this chapter, unless the context otherwise requires, the following words or phrases shall have the meanings ascribed below:

Artwork includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass, but would not normally include landscaping, paving, architectural ornamentation or signs, unless such elements are an essential component of the artwork itself.

Commission means the public art commission created and established in section 2.64.010 of this Code.

Construction Cost means the actual cost of any construction project, including any contingency reserve, but excluding land acquisition costs, engineering and administrative costs, costs of fees and permits, and indirect costs, such as interest during construction, advertising and legal fees.

Construction Project means the construction, substantial renovation or addition to any public building, facility, park or other public improvement by the City or its agents, including, without limitation, all landscaping, parking areas and similar areas and facilities associated with such improvement, with an estimated total construction cost of $50,000.00 or more. "Construction project" includes only those projects designed to create a permanent improvement and does not include projects that are primarily for the purpose of ordinary maintenance, repair or replacement. The term "construction project" does not include any improvements made by any special improvement district, and any other improvements exempted by the City Manager from the requirements of section 2.60.040 of this chapter. If a question arises as to whether a construction project is subject to the provisions of this chapter, the City Manager shall make the final determination.

Public Art means any artwork displayed for two weeks or more in or on City-owned property in an area open to or viewable by the public, on the exterior of any City-owned facility, or on non-City property open to or viewable by the public, if the artwork is installed or financed, in whole or in part, with City funds or grants procured by the City, or if the artwork is owned by, donated to, or on loan to the City.

Reserve Account means the art in public places reserve account established by this chapter.

Cameron's Dragon, Mary Zimmerman, Photo courtesy of Arts Management and Planning Associates

2.60.030: Account Established

There is hereby established a reserve account within the sales and use tax capital fund, to be known as the "Art in Public Places Reserve Account." The funds set aside from construction projects pursuant to section 2.60.040 of the Code, and all funds received by the City for public art, whether donated, earned, or secured through grants or otherwise obtained by the City, shall be deposited in this account. City Council may also fund the account in its discretion and subject to appropriation. The funds in this account shall be expended only for acquisition, installation, maintenance, repair or removal of public art and for expenses incurred by the City in the administration of this chapter and chapter 2.64 of this Code.

2.60.040: Funds for Public Art

a) The City shall cause an amount equal to one-percent (1%) of the construction cost of each construction project for which the total estimated construction cost is fifty-thousand dollars ($50,000) or more to be deposited in the City's Art in Public Places Reserve Account, and that amount shall be included by the City in all estimates of necessary expenditures and all requests for authorizations or appropriations for such construction projects. If any project is partially funded from any source that 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 artwork shall be paid into the reserve account. Alternately, the City may include public art as part of the overall design of a City construction project pursuant to section 2.60.050 of the code.

b) As an alternative to determining the funding level based upon the construction costs as provided in subsection (a) above, and in an effort to create a more predictable and consistent funding level, the City Council may, in conjunction with the annual adoption of the City Capital Improvement Program, adopt a resolution to establish a policy pertaining to a fixed amount of funds to be deposited in the Art in Public Places Reserve Account. Such resolution will consider the average or typical level of funding that would otherwise be deposited based upon the construction cost calculation in subsection (a) above.

c) Funds in the Art in Public Places Reserve Account shall be expended as directed by the Public Art Commission consistent with the terms of this chapter and chapter 2.64 of this code, the City's policies regarding Art in Public Places, and the City's purchasing policy."

2.60.050: Site-Integrated Public Art

Artistic elements incorporated into the original designs of buildings and public spaces create opportunities to enhance the aesthetic character of public spaces through site-integrated public art. In lieu of the one percent deposit in the art in public places reserve account provided for in section 2.60.040 of the Code, the City may choose to include site-integrated public art as a part of the overall design and installation of a City construction project. The value of the public art provided must be equal to or greater than one percent of the total estimated construction cost of the project. Artwork included as part of a City construction project design must comply with all applicable ordinances, rules, and regulations, and with the City's policies regarding art in public places. All proposals for site-integrated public art shall be subject to review and approval by the public art commission.

Checkmate, Herb Minerary, Photo courtesy of Arts Management and Planning Associates

2.60.060: Public Art Selection Criteria

The public art commission shall review all artwork proposed for the art in public places program for conformance with the following criteria and the purposes of this chapter. For more information about the Community Proposal Policy, please see page 27:

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 the architectural or historical character of the site;
d) Creation of an internal sense of order and desirable environment for the community by the design and location of the artwork;
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;
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;
h) Anticipated costs and labor to install, maintain, or repair the artwork;
i) Compliance with all aspects of the City's art in public places safety policy; and
j) Whether the proposed artwork will further the following goals of the City's art in public places program:
    i. Enrich the public environment for residents and visitors through the incorporation of the visual arts;
    ii. Increase the livability and artistic richness of the Golden community
    iii. Enable the City to attain recognition on state and national levels as a leader in the visual arts;
    iv. Increase public access to artwork and to promote understanding and awareness of the visual arts in the public environment;
    v. Make the mundane interesting, fun, playful or inspiring;
    vi. Promote diversity and pluralism in public art and to reflect a wide range of multicultural expression; and
    vii. Contribute to the economic vitality, quality of life, and civic pride of the Golden community.

2.60.070: Approval and Display of Public Art and Site Selection

All public art installed or relocated in the City after the effective date of this chapter shall first be reviewed and approved by the public art commission prior to installation or relocation.

a) Artwork selected by the public art commission for inclusion in the City's public art collection pursuant to the provisions of this chapter may be placed in, on or about any City property, or on private property by agreement with the owner thereof if the artwork will be visible and exposed to the public on the private property. Placement of public art shall comply with the City's policies applicable to art in public places, and the name of the artist shall be identified on or near all public art.
b) Public art owned by the City may also be loaned for exhibition elsewhere, upon such terms and conditions recommended by the public art commission and subject to approval by the City Manager.
c) City officials responsible for the design or construction of construction projects in the City shall make appropriate space available for the placement of public art, in consultation with the public art commission. The public art commission shall advise the department responsible for the particular construction project of the commission's decision regarding the design, implementation and placement of public art in connection with such project.
d) Public art may be installed on privately owned property with a written agreement between the City and the property owner specifying the proprietary interests in the artwork. Any such agreement shall be subject to review and approval as to form by the City attorney before execution by the City, and shall ensure that:
    i. The installation of the public art will be done in a manner that will protect the artwork and the public; and
    ii. The public art will be maintained in accordance with the City's policies concerning art in public places; and
    iii. The property owner shall indemnify the City and provide adequate property insurance for the artwork.
e) Installation, maintenance, alteration, refinishing and relocation of public art shall be done in consultation with the artist whenever feasible.
f) No public art shall permanently be removed, altered or changed without the review and approval of the public art commission; except that review and approval of the public art commission shall not be required for temporary removal of public art by City personnel for maintenance or repair, or for temporary or permanent removal of public art that, in the sole discretion of the City Manager, poses a public health or safety hazard.

g) The staff liaison to the public art commission shall maintain a detailed record of all public art, including site drawings, photographs, designs, names of artists and names of architects whenever feasible, shall give appropriate recognition to the artists, and shall appropriately publicize and promote the city's public art and art in public places program.
h) All other provisions of this chapter notwithstanding, the placement of public art shall be subject to the city manager's authority to issue and adopt rules, orders, and regulations as are reasonably necessary for the administration, protection and maintenance of buildings and property belonging to the City of Golden and any other public buildings and property under the control, management or supervision of the city manager, as provided in section 2.08.110 of this Code.

2.60.080: Ownership

All artwork donated to the city and all artwork purchased or acquired by the city at the direction of the public art commission and using city funds shall be titled in the name of, and owned by, the city.

2.60.090: Exemptions

The following artwork is exempt from the provisions of this chapter:

a) All artwork in the collections of, or on display at, or under the auspices of, the Golden History Museums; and
b) All artwork on display in private city offices or other areas of city-owned facilities that are not generally accessible to or frequented by the public.

2.08.010: Authority of City Council Generally

The corporate authority of the City of Golden being by law vested in the city council, the council shall be the body of final responsibility in all matters affecting the city, and shall have all powers, and be subject to responsibilities and limitations, which may now or hereafter be granted or imposed by law.

Golden Municipal Code Chapter 2.64 Public Art Commission

2.64.010: Creation and Appointment

a) There is hereby created a public art commission for the City, which shall be comprised of seven voting members, as follows:
b) Five of the members shall be residents of the City and appointed by the mayor, with approval by a majority of the City council;
    i. One member shall be the executive director of the Foothills Art Center or their designee, with approval by a majority of City council.
    ii. One member shall be selected by the board of directors of the Golden Civic Foundation, with approval by a majority of City council.
    iii. All members shall serve without compensation.
c) Members of the public art commission shall not hold any other municipal office or position on a standing municipal board, commission or authority, except that members of the commission may serve on other temporary committees, task forces, or similar ad hoc groups.
d) The City Manager shall appoint a Staff Liaison to provide administrative support and assistance to the commission as necessary to accomplish the duties of the commission and the purposes of this chapter.

2.64.020: Terms

The five resident members and the one member selected by the Golden Civic Foundation shall serve terms of four years, and shall be eligible for reappointment for no more than two consecutive terms. Upon initial appointment, three of these members shall be randomly selected to serve initial terms of two years. The term of the executive director of the Foothills Art Center or their designee shall be ex officio, subject to approval by City council.

2.64.030: Authority to Adopt Procedures

The public art commission shall have the authority to adopt rules of procedure governing its proceedings consistent with applicable requirements and provisions of the Golden Charter and Municipal Code, and shall conduct all of its proceedings in accordance with such rules. The rules of procedure shall be posted and available to the public.

2.64.040: Meetings

The rules of procedure shall include the time and place of regularly scheduled meetings, which shall be open to the public. A record of all meetings will be kept at City Hall.

The commission may call special meetings, as it deems necessary, subject to public notice within reasonable time before the meetings. Such meetings shall be open to the public. In the event there is no business pending before the commission, the regular monthly meeting may be cancelled.

2.64.050: Officers

The public art commission shall choose one of its members to act as chair and one member to serve as vice-chair. The chair shall preside at all meetings of the board, except that in his/her absence, the vice-chair shall preside. The City shall provide a secretary to the board.

2.64.060: Duties of the Commission

a) The primary purposes of the public art commission shall be to promote, select, acquire, and maintain public art in fulfillment of the goals of the City's art in public places program, to administer the provisions of this chapter and chapter 2.60 of this Code pertaining to the City's art in public places program, and to adopt policies and guidelines necessary for such administration.
b) The commission shall prepare and submit, not later than March of each year, a report to City council of its activities and expenditures for the prior year.
c) The commission shall prepare and submit an annual plan to City council describing its goals and plans for the City's art in public places program for the coming year, and amend such plan as necessary.

2.64.070: Adoption of Policies and Guidelines

a) The public art commission shall adopt policies and guidelines:
    i. To identify suitable art objects for City buildings or property;
    ii. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
    iii. To prescribe a method or methods for competitive selection of art objects for display;
    iv. To prescribe procedures for the selection, acquisition, placement, display, rotation and Deaccessioning of public art;
    v. To address safety and other precautions with respect to the selection, location and maintenance of public art; and
    vi. To address any other matter necessary for the administration of chapters 2.60 and 2.64 of this Code and the City's art in public places program.
b) All policies adopted by the public art commission and any amendments thereto, are subject to review and approval by City council, and shall be effective upon City council's adoption of same by resolution.

Section 2: Acquisition Policy

The City of Golden maintains a large collection of public art and will continue to expand, refresh and add variety to the collection to enhance the tourist and economic potential of Golden and the community.

Monarch, Buck McCain, Photo courtesy of Arts Management and Planning Associates

Background

This policy provides a framework for acquiring works of art through Golden's Art in Public Places Program (AIPP). The Public Art Commission (PAC) is responsible for the acquisition and maintenance of such art. The PAC's mission is to enhance the cultural landscape of the City of Golden through the acquisition, placement and preservation of diverse artworks in public places.

Definitions

a) For purposes of this policy, Art in Public Places is defined as any visual work of art displayed for two weeks or more in (1) an open City-owned area, (2) on the exterior of a City-owned facility, (3) in the interior of a City-owned facility (in public areas), or (4) on non-City owned property if the work of art is installed or financed (either wholly or in part) with City funds or grants obtained by the City.

b) The terms work of art and artwork include, but are not limited to, a sculpture, monuments, murals, frescos, reliefs, paintings, fountains, banners, mosaics, ceramics, weaving, carving, electronic media, photography, stained glass or site integrated public art.

c) Artwork can be placed inside or outside; be representational or abstract. It can be integrated with architecture, landscape, or infrastructure. It can be functional commemorative, decorative, or interactive. It can employ technology, text, or sound. Artwork would not normally include basic landscaping, architectural ornamentation, or signs.

Butterfly, Patrick Madison, Photo courtesy of Arts Management and Planning Associates

Program Goals

a) The principal goals of Golden's AIPP Program are:
b) To enrich the public environment for residents and visitors through the incorporation of the visual arts;
c) To increase the livability and artistic richness of the Golden community;
d) To increase public access to works of art and to promote understanding and awareness of the visual arts in the public environment;
e) To make the mundane interesting, fun, playful or inspiring;
f) To promote diversity and pluralism in public art and to reflect a wide range of multi-cultural expression; and
g) To contribute to the economic vitality, quality of life, and civic pride of the Golden community; and
h) To enable Golden to attain recognition on a regional level as a leader in the visual arts.

The AIPP fund shall not be used for:

a) Reproductions or unlimited editions of original work;
b) Objects that are mass produced;
c) Architectural rehabilitation, or historical preservation; or
d) Other works deemed inappropriate for the collection

Budget

At the time of an acquisition, whether by donation or purchase, the proposed budget for an artwork should cover costs of installation, which may include:

a) Pedestals, bases or other display components;
b) Site development; and
c) An identification plaque.
d) Maintenance

Selection Process

Acquisition of an artwork may be PAC, or otherwise, initiated. This policy applies to all methods of acquisition. An additional policy applies to the following acquisition methods: proposal, donation, and loan.

Direct Purchase

The PAC may purchase existing artwork from an artist/owner in unique circumstances (e.g. when the price presents an economic advantage) or to meet one of the AIPP program goals. The PAC may approach an artist or an artist may approach the PAC. Artists who have contemplated or finished work that they wish the PAC to consider for purchase should submit the following to the PAC:

a) A proposal sheet with the artist's name, title of the artwork, dimensions, medium, date produced, price, location, number in the edition if applicable, restrictions on reproduction, and other information the artist deems pertinent.
b) A resume and references.
c) A maquette and/or images or the actual work for review. (Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work).
d) A cover letter explaining why the work should be added to the City's public art collection.
e) A conservation assessment describing the artwork's condition, along with a maintenance plan. (The plan should include an explanation of the expected life span of the work while placed in a public environment, specifying the type of environment in which the artwork may be placed. It should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.)
f) A signed statement indicating that they have read and will comply with all aspects of the Art in Public Places Safety Policy and other relevant policies.
g) Each piece must have provenance.
h) The artist must provide a release of image rights for the piece to permit publishing of photographs of the piece as the City of Golden sees fit.
i) The PAC may request additional information. The PAC typically reviews direct purchases twice per calendar year; however, exceptions can be made if deemed appropriate by a majority of the PAC.

Open Competitions

Competitions are open to artists within the geographic limits and other specifications set by the PAC (which varies from competition to competition). The PAC strives to maintain balance between competitions involving local artists only and artists from a larger area. The PAC process for competitions is typically as follows:

a) The PAC provides a project description, budget, time schedule, and summary of duties and obligations;
b) The artist shall provide a maquette and site drawing (if appropriate), design, concept statement, budget, photographs, resume and references.
c) The PAC has the opportunity to serve as the jury for open competitions, however, may alternately select a jury to review submissions. In such cases, proposals shall be considered by the jury and a final choice or choices will be presented to the PAC for acceptance.
d) Entry materials will be returned to the artist only if appropriate packaging, postage and insurance are included with the entry by the artist.
e) The artist may be paid a design fee for creating materials during the selection process.

Artist Selection Criteria

When evaluating the possibility of working with a particular artist, the PAC generally considers:

a) The artist's experience with public art projects;
b) The ability of the artist to work cooperatively and effectively with the PAC and the City of Golden;
c) The artist's presentation;
d) The technical feasibility of a proposed project and the artist's technical ability; and
e) Other factors deemed by the PAC to be important.

Community Proposals

The Golden Municipal Code section 2.60.060: Public Art Selection Criteria allows for a proposal for public art to be made to the Public Art Commission (PAC) by any organization, club or business, any City official or employee, or any individual member of the public. The PAC will review proposals every April and October unless otherwise stated. Reference the Community Proposal Policy on page 27 for more details.

Contracts

Following the final selection of an artwork or artist, a written contract shall be prepared by the PAC and the Staff Liaison and approved by the City Attorney, prior to being signed by the City Manager or City Council, as appropriate. Executed contracts shall be filed with the City Clerk.

Site Selection

The PAC is charged with selecting artwork for capital projects (designated sites) and for selecting sites for purchased or donated artwork, with the goal of enhancing the community, the travel corridor or the right-of-way. The policy does not rule out any particular application, as every installation should be weighed related to the location, the factors noted below, as well as the other site impacts.

Public Works can and will provide support, professional expertise, and advisement as needed for installations selected by the PAC. Primary contact will be through the Public Works Director and any staff member who will be supporting the project(s).

Considerations of Placement

In order to ensure public art is fairly and equitably distributed throughout the City of Golden, and that it is sited in such a way as to enhance and activate public spaces by making them interesting, fun, playful or inspiring, the PAC will follow specific criteria to guide the placement of art projects. When considering a possible site for an artwork, it is the role of the PAC to determine the relative importance of each of the considerations listed below for any given proposal.

Return of Cutthroat, Patrick Madison, Photo courtesy of Arts Management and Planning Associates

Relationship

a) Relationship of artwork and site shall be considered in terms of the physical dimensions, social dynamics, and local character and surrounding context of the site, existing or planned;
b) Helps to improve the design of an area by emphasizing a particular location through landmarks, gateways and/or linkages to other parts of the community;
c) Relationship of proposed artwork to existing artworks within the site vicinity;
d) Compatibility of the design and location with the character of the site;
e) Artwork should not be placed in a site where it is overwhelmed by nor competing with the scale of the site or adjacent architecture, large retail signage, billboards, etc.

Visibility

There should be visibility of the site by the general public:

a) On-site locations for public art projects on City-owned property include, but are not limited to parks, greenways, neighborhood gateways, plazas, bridges, historic places and landmarks, as well as buildings, walls, ceilings, floors, windows, staircases, escalators, entrances and exits, and rooftops.

Access

The site shall be accessible to the general public, with particular attention paid to handicap access;

a) Work displayed in interior public spaces will be accessible to the public at least during normal building operating hours without requiring the public to obtain special passes or permits to view the work and without requiring payment to view the work;
b) Work displayed in exterior public spaces should be accessible to the public 24 hours per day. If a work is sited in a park or similar setting, it should be accessible during the normal operating hours of that site or facility;

c) Site access should consider Americans with Disabilities Act (ADA) requirements, providing appropriate ingress and egress for the site and ensuring site does not impede movement;
d) Site access should consider vehicular and pedestrian traffic patterns;
e) Site access should consider the impact of public accessibility on the artwork, including potential for damage.

Public Safety

The PAC will make every attempt to ensure that artwork is a safe as possible, per safety policy standards. See Safety Policy for more information.

Impacts

a) Environmental
    i. Environmental impact such as noise, sound, light and odor.
b) Operational Functions
    i. Impact on operational functions (snowplowing, etc.), of the City.
    ii. Artwork should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building (unless such alteration is specifically a part of the experience or design of the artwork).
c) Adjacent Property Owners
    i. Impact on adjacent property owners' views.
d) Right of Way (ROW)
    i. The City of Golden uses the Manual of Uniform Traffic Control Devices (MUT CD) when determining uses, signage, visual sightline requirements, and other issues that impact the R OW. The MUTCD is nationally accepted as the primary standard for these requirements.
    ii. In installations that involve Colorado Department of Transportation (CDOT) ROW, the PAC, Staff Liaison and Public Works will develop a joint plan to address the separate contract, review, and inspection requirements necessary with these projects; this may include cost considerations for project management if the size of the installation is large.

e) When considering installations along the ROW the following factors shall be considered by the PAC, with input from Public Works, in making a determination about a particular installation.

i. ADA requirements
ii. Impact on flow of pedestrians, bicycles, or traffic
iii. Safety Impacts (please refer to the Safety Policy)
iv. Does the installation cause undue distraction for drivers, so that vehicles are more likely to cause accidents from slowing or disorientation?
v. Does the installation cause an obstruction of sightlines such that safety for drivers, pedestrians, or cyclists is compromised?
vi. These sightlines will be different in each installation so size may be a factor at certain locations. For example, in an installation at a traditional intersection location close to the sightlines at the corners may create a significant hazard; or within roundabout; installations that create blind spots for drivers related to pedestrians will create a significant hazard.
vii. Height of installations is not generally an issue except when a foundation structure is required that may limit visibility for pedestrians in wheelchairs or may cause drivers to “rubber neck” for better viewing.
viii. In installations that are within the ROW project planners must be sensitive to pieces that may draw pedestrians into the traffic flow for viewing.
ix. In roundabout situations this is a critical factor. Generally roundabout islands are not designed in such a manner as to accommodate pedestrian traffic.
x. It is also recommended that placement of recognition for pieces (artist signatures, piece descriptions, etc.) are placed outside of the roundabouts flow of traffic versus on the island itself.
xi. Maintenance requirements that may be created by the installation, such as landscaping, lighting, plumbing and artwork accessibility for upkeep.

f) Vandalism

i. The susceptibility of artwork and/or site to vandalism

g) Site Development

i. Site design including landscaping, drainage, grading, lighting and seating considerations, and all costs associated with such placement, to include one-time costs and ongoing costs and maintenance

ii. The cost of site development

h) Other Criteria

i. Any other criteria deemed by the PAC to be important.

Collaborative Efforts for Placement

a) In cases where the Public Art Commission is seeking to locate a piece adjoining the ROW or within the ROW, prior to final selection, the PAC will provide the Public Works Department, through the Staff Liaison, with a sketch drawing with estimated measurements of the proposed artwork. The earlier in the process that detailed information can be provided; the better staff will be able to identify potential issues. Public Works staff will review the particular piece for the factors noted above. If the department has particular issues with one or several factors Public Works will provide a detailed description of the issues to the PAC, with recommendations on possible adjustments that may remedy the noted issues.
b) In the event that a particular installation is felt by City staff, such as those in Public Works or the Police Department, to be "provoking" enough to potentially cause distraction to drivers, the final decision on a particular piece and the potential "distraction factor" lies with the City Engineer, who will approve or deny such installation.

City Department Input

a) Whether working to select artwork for a designated site, or selecting a site for an already acquired artwork, the PAC strives to get input from relevant City departments. Relevant departments will typically be either a department receiving artwork for its building/ grounds, or a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site.
b) The Staff Liaison will contact the director of a relevant department(s) to discuss potential sites and will invite the director to provide input to the selection committee. The PAC encourages participation by the relevant department director and will provide the department director an opportunity to address the PAC during a public meeting. Selection processes, which are determined by the PAC, vary by project. The chair of the PAC will ask the director of the relevant department to provide any concerns he or she has about the sites and/or their impact on department operations before a selection process begins.

Approval Process

a) Public Input

i. After the PAC has selected a proposed artist, artwork and site, such information will be presented at a regularly scheduled public meeting of the PAC in order to permit public input prior to a final vote. Information presented should include the background of the artist, photographs, renderings, maquettes or other suitable sample of the proposed artwork and a detailed description of the proposed site. The PAC will weigh public input on the proposal before making a final vote to acquire and place the artwork.

b) Purchasing Policy

i. All decisions made by the PAC which involve spending public funds from the reserve account for Art in Public Places will comply with the City's Purchasing Policy. The reserve account allocation will be at the discretion of the PAC, with the goal of achieving a balanced and sustainable program that meets the needs of the City and the community. Annually, an expenditure plan will be prepared by the PAC for City Council consideration, through the City's budget process. The expenditure plan will include recommendations for general allocations towards a broad range of public art and administrative costs, and may be amended from time to time.

Installation Plan

Once a site has been selected, an installation plan will be developed by the PAC and the Staff Liaison with input from the artist, donor, and contractor when appropriate.

Post Installation

a) Once an artwork is installed, it will not be considered for removal unless the following shall occur.

b) In cases where issues are identified after installation (such as public safety concerns, the potential for significant damage or traffic concerns, but will not include complaints regarding aesthetics), Public Works, the Staff Liaison and the PAC will work collaboratively to develop a post-installation monitoring plan for traffic flow, accident data, and other factors to determine if future alterations to the installation are necessary. If alterations are identified the Staff Liaison will work with the PAC to develop possible remedies to alleviate the noted impacts.

b) Site Inspection

   i. After installation, the designated representative(s) of the PAC and the relevant department director or designee will meet to inspect the site.

c) Artist Identification and Plaque

   i. The identification plaque shall contain the name of the artwork, artist credit, year created, medium used and donor name (if applicable). The size of the work is optional.

d) The identification plaque shall conform to the guidelines provided in the Art Plaque Guidelines.

e) File Provenance, to include a photo, for each piece. Add artwork to publicity, including digital and print media.

Section 3: Community Proposal Policy

The Golden Municipal Code section 2.60.060: Public Art Selection Criteria allows for a proposal for public art to be made to the Public Art Commission (PAC) by any organization, club or business, any City official or employee, or any individual member of the public.

This policy provides a framework for the submittal, review and approval of proposals made by the community, donations and/or loans. The PAC is responsible for overseeing these processes, and will review proposals every April and October, unless otherwise noted, as posted on the PAC website. (http://www.cityofgolden.net/government/boards-commissions/public-art-commission/) After review, the PAC may choose to accept or decline the proposal, or to table a proposal until more information can be gathered.

The PAC will consider proposals for artworks to be included as part of the public art collection and to be placed on City property or on private commercial property that is highly visible to the public and allows public access during the facilities operating hours. The PAC may be able to contribute funds to proposed projects; however, funds are limited and not all proposals can be funded. When approving funding, the PAC requires that the proposed project have a primary funding source other than the requested funding, and that funding requests shall be no greater than 1/3 of the total project budget or $5,000 whichever is less. Additionally, proposals that include a funding request must have the primary funding source in place within two years of the approved request or the approved PAC funding will be reverted back to the PAC.

Funding for ongoing maintenance of artwork is also limited; therefore, the PAC may require that the applicant sign an agreement accepting responsibility for maintenance, or establish a maintenance endowment to ensure adequate care for the artwork.

Process for Consideration

The PAC requests that individuals or entities (Applicant) interested in submitting a proposal to the PAC for an artwork follow these steps:

Contact the PAC Staff Liaison to discuss if the preliminary proposal idea is within the scope of the PAC's mission.

Submit a completed Proposal Form, obtained from the PAC Staff Liaison or City website. http://www.cityofgolden.net/government/boards-commissions/public-art-commission/

Submit a cover letter explaining the following:

a) purpose of the proposal,
b) If the proposed artwork is intended for loan to the Public Art Commission, please include the loan details and terms
   ii. description of the proposed artwork, including if the artwork is in existence or to be commissioned,
   iii. preliminary budget, including fabrication, artist fee, installation and ongoing maintenance,
   iv. the source of funds, including proposed funding request,
   vi. description of the proposed site and a site plan,
   vii. list of the individuals or organizations that will be involved in the project, and at what level,
   viii. explanation of why the proposed artwork or conceptualized public art project should be included in the City's collection, and
   ix. acknowledgement that the artwork complies will all aspects of the Art in Public Places Safety Policy (page 38 in the Art in Public Places Handbook).
c) Ideally at the time of application, the applicant will provide a maquette or images of the proposed artwork for review. Images can be provided electronically or by hard copy should show all sides and provide the proper scale of the work.
d) If the artist is known at the time of application, provide a copy of the artist's resume or biography and images showing a sampling of the artist's past work.
e) If the artwork is known at the time of application, provide information about the artwork's provenance, exhibition history, a current estimate of value, and a letter of authenticity from the artist, if possible.

f) If the artwork is in existence or the design to be commissioned is known, provide a conservation assessment describing the artwork's condition and a maintenance plan, including projected costs for maintenance. The plan should be authorized by the artist or a qualified conservator and include:
   i. explanation of the expected life span of the work while placed in a public environment,
   ii. the type of environment (interior/exterior) in which the artwork may be placed.
   iii. discuss whether the artwork may be prone to vandalism and how that may be mitigated
g) If needed, the PAC may request additional information.

Review Considerations

In reviewing proposals, the PAC considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the City's existing public art collection, appropriateness of the artwork and proposed location, and budget. The PAC shall review all artworks proposed for conformance with the following criteria and the purposes of the Golden Municipal Code Chapter 2.60 Art in Public Places, including but not limited to:

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 the architectural or historical character of the site;
d) Creation of an internal sense of order and desirable environment for the community by the design and location of the artwork;
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;
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;
h) Anticipated costs and labor to install, maintain, or repair the artwork; (The PAC is unlikely to consider proposed artworks that require immediate or extensive maintenance.)
i) Compliance with all aspects of the City's Art in Public Places Safety Policy); and

j) Whether the proposed artwork will further the following goals of the City's art in public places program:

i. Enrich the public environment for residents and visitors through the incorporation of the visual arts;
ii. Increase the livability and artistic richness of the Golden community
iii. Enable the City to attain recognition on state and national levels as a leader in the visual arts;
iv. Increase public access to artwork and to promote understanding and awareness of the visual arts in the public environment;
v. Make the mundane interesting, fun, playful or inspiring;
vi. Promote diversity and pluralism in public art and to reflect a wide range of multicultural expression; and
vii. Contribute to the economic vitality, quality of life, and civic pride of the Golden community.

Section 4: Donation Policy

The foundation of the City of Golden's public art has been built from the generous donations of others.

Joy of Music, George Lundeen, Photo courtesy of Arts Management and Planning Associates

Background

The City of Golden's art collection may consist in large part of donations from arts organizations and private parties. Golden's Art in Public Places (AIPP) program has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork. To ensure the quality of the collection, the Public Art Commission (PAC) uses the guidance in this policy to decide if a proposed donation is appropriate for addition to the City's collection. The PAC accepts only those works that will, in its discretion, further the goals of the AIPP program

Process for Consideration

The PAC requests that individuals or entities interested in donating an artwork follow these steps:

a) Submit a complete donation application to the PAC, obtained from the City website or from the Staff Liaison.
b) Provide a maquette, images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.
c) Submit a cover letter explaining that the artwork is offered to the City as a gift and why the work should be added to the City's collection.
d) Provide a copy of the artist's resume or biography information about the artist's significance; and images showing a sampling of the artist's work.
e) Provide information about the artwork's provenance, exhibition history, a current estimate of value; and a letter of authenticity from the artist, if possible.
f) Provide a conservation assessment describing the artwork's condition and a maintenance plan, including projected costs for maintenance. The plan should include an explanation of the expected life span of the work while placed in a public environment, and the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how that may be mitigated; it should be authored by the artist or a qualified conservator.
g) Review the Art in Public Places Safety Policy and sign an acknowledgement that the artwork complies with all aspects of the safety policy.

h) The PAC may request additional information.

i) Funds to maintain artwork are limited. When accepting a gift into the collection, the PAC may require that the donor sign a maintenance agreement or establish a maintenance endowment to ensure adequate care for the artwork. The PAC is unlikely to consider donations that require immediate or extensive maintenance.

j) The PAC typically reviews gifts twice per year; as posted on the PAC website, however, exceptions can be made if deemed appropriate by a majority of the PAC. After review, the PAC may choose to accept or decline a gift, or to table an offer

Review Considerations

In reviewing a potential donation, the PAC considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the City's existing public art collection, appropriateness of the artwork and selected location, and budget. The PAC may consider other factors contained in its Acquisition Policy.

Newsboy, James Muir, Photo courtesy of Arts Management and Planning Associates

Section 5: Loan Policy

The City of Golden will occasionally display work owned by others in order to further enhance the aesthetic character of the City.

The Kayak Racer, Tyler March Ricardella, Photo courtesy of Arts Management and Planning Associates

Background

To increase the visual and artistic quality of the community, the City of Golden will occasionally display art loaned to the City by artists, institutions or organizations. This allows the art displayed in the City to remain fresh and enables a larger number of artists to participate in the program at little cost to the City. To ensure the quality of the works displayed, the City's Public Art Commission (PAC) uses the guidance in this policy to decide whether a proposed loan is appropriate. The PAC accepts only those works that will, in its discretion, further the goals of the AIPP program.

Process for Consideration of Loaned Artwork

The PAC requests that individuals or entities interested in loaning artwork follow these steps:

a) Submit a complete official loan application to the PAC. This form may be obtained from the PAC page of the City website or from the Staff Liaison.
b) Provide a maquette and/or images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.
c) Include a cover letter explaining that you are offering the artwork to the City on loan and explain why the work should be temporarily displayed in the City's public art collection.
d) Provide a copy of the artist's resume or biography; information about the artist's significance; and digital images showing a sampling of the artist's work.
e) Provide information about the artwork's provenance, exhibition history, and a current estimate of value. Include a letter of authentic City from the artist, if possible.
f) Provide a conservation assessment describing the artwork's condition, along with a maintenance plan. The plan should include an explanation of the expected period of loan of the work, stipulating the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.
g) Review the Art in Public Places Safety Policy and sign an acknowledgement that the artwork complies with all aspects of the safety policy.
h) The PAC may request additional information.

Loan Agreement

The City will prepare a loan agreement which will include the following stipulations:

a) The artworks should be ready to install, either indoors or outdoors, and be able to sustain without maintenance for one year. Transportation is the responsibility of the owner. Installation and removal will take place with the assistance of the appropriate City department.
b) The artist or other owner must retain liability insurance on the loaned artwork for the duration that it is on display by the City. Such insurance must name the City as additional insured. Proof of insurance must be provided prior to the City displaying the artwork.
c) The City will strive to exercise the same care of loaned artwork as it does the safekeeping of its own property. The City is not responsible for normal wear and tear, damage resulting from the exposure to the elements, gradual deterioration, vandalism or damage due to force majeure.
d) The artist or entity must own the copyright for all artwork loaned to the City and grant the City and its agents a non-exclusive, unlimited and irrevocable license to make, and authorize the making of, photographs and other two-dimensional reproductions of the artwork for all promotional uses, including advertising, educational and promotional materials.
e) Generally, artwork is accepted on loan for one year, unless otherwise agreed upon between the PAC and the artist or owner. Contracts can be renewed during a regular meeting of the PAC. Before approving the renewal of a contract, the item will be placed on the agenda for a regular PAC meeting so that public comment can be considered prior to voting.

Exemptions

These guidelines shall not apply to:

a) Artwork loaned for inclusion in temporary exhibitions in City facilities or City owned spaces managed by the City.
b) Artwork loaned to City employees or appointed City officials for display in their personal offices.
c) Gifts of State presented to the City by other governmental entities (municipal, state, national or foreign).
d) Artwork loaned to the private collections of nonprofit organizations that manage City entities, or included in temporary exhibitions at those facilities.

Review Considerations

a) The PAC typically reviews loans twice per calendar year, as publicly posted; however, exceptions can be made if deemed appropriate by a majority of the Commission. After review, the PAC may choose to accept or decline a loan, or to table an offer.

b) In reviewing a potential loan, the PAC typically considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the City's existing public art collection, appropriateness of the artwork and selected location, and budget. The PAC may consider other factors contained in its Acquisition Policy.

Nighthorse on the Mesa, Jeff Rudolph, Photo courtesy of Arts Management and Planning Associates

Section 6: Safety Policy

All art taken into Golden's public art collection is evaluated upon acceptance and regularly thereafter to maintain a safe environment for the Golden community.

Secret Garden, Mark Lundeen, Photo courtesy of Arts Management and Planning Associates

Background

Art in public places, by its nature, is accessible to the public for up close viewing. Children and others often want to touch or play on art structures, whether or not they have been designed for this purpose. As such, the City of Golden through the Public Art Commission (PAC) should endeavor to follow safety precautions provided by the City's risk management agency when considering art for purchase and placement.

Implementation

Design of the art: If the piece will be openly displayed without supervision, the pieces should be constructed with consideration given to the following points.

a) No sharp points, corners or edges that could cut or puncture
b) Absolutely no protrusions or projections that could entangle clothing, possibly causing strangulation
c) The absence of pinch, crush or shearing points that could entrap a body part or clothing
d) The artwork design shall not cause hazards that could trap a child's head
    i. Completely bound openings greater than 3.5 inches and less than 9 inches fall into this hazard.
e) Tripping hazards that may cause a fall, or cause injury if fallen upon must be avoided
f) Suspended hazards that could injure if capable of entangling or striking a member of the public cannot be a part of the artwork
g) The art should be securely anchored to avoid toppling

A review process should take place to evaluate the art piece. PAC members should ask the following questions:

a) Is it suitable content for public display in accordance with community standards?
b) Does it pose any physical hazards, such as those stated above?
c) Could it be easily damaged?
d) Should it be accessible for the public to touch, or should such access be prohibited?
e) Even if such access is prohibited is it likely that people, especially children, would attempt to play on or around the art piece, especially if it is an unmonitored location?

Review the intended display location of each art piece. The PAC should consider the following points:

a) Avoid situating pieces near playgrounds, which may invite children to play on the art piece, unless the art piece was designed for that purpose.
b) Consider the proximity to roadways so that the art piece does not obstruct traffic line of sight or risk being struck by traffic.
c) Consider signage that warns of climbing or touching the art
    i. Not a Play Structure
    ii. Do Not Climb
    iii. Do Not Lean on Case
    iv. Please Keep Off
d) Once the art is on display, an inspection checklist and schedule should be in place to ensure ongoing safety. If a piece is damaged, it should be repaired or removed immediately.
e) This safety policy should be provided to any artist as part of the public art bid process.
f) The artist should sign a Release/Waiver to hold harmless and indemnify the City in order to participate in the art display program, if the art is being loaned to the City.
g) If the artist of loaned artwork believes the piece holds a high value, the artist should obtain his/her own appraisal and insurance.

Section 7: Memorials, Monuments, Markers and Plaque Policy

It is important to honor our heritage and the lives of those who have made a difference to the community.

Sons of Liberty, James Muir, Photo courtesy of Arts Management and Planning Associates

Background and Definitions

The goal of this policy is to provide the City Council, City Staff, the Public Art Commission (PAC), and the general public with guidelines for the acceptance, placement, and appropriateness of monuments, memorials, markers, and plaques. This policy is not intended to address street naming requests. From time to time requests are received from individuals and organizations for permission to place monuments, memorials, markers or plaques to an individual, organization or event on City property. When properly designed, planned, and displayed, monuments, memorials, markers and plaques can provide the general public with essential knowledge about Golden's history.

The City of Golden is committed to protecting the parks, open spaces, public buildings, and other public areas of the City while providing opportunities for appropriately designed monuments, memorials, markers, and plaques that honor an individual, organization or event beneficial to the greater good of the community.

In order to preserve space for future generations, the significance of monuments or memorials of the type in A through F below sunsets after 15 years and are subject to deaccession unless the PAC determines that the relevance of the monument or memorial should be extended. Monuments and memorials will be deaccessioned in the manner prescribed in the Art in Public Places Deaccessioning Policy.

Definitions

A distinction is made between simple plaques and more elaborate memorials. The seven types of memorials will be categorized as follows:

Adorned Plaques are those installed as part of a larger, more intrusive setting. These plaques include installations such as those that are pedestal mounted or affixed to a boulder, wall or vertical element.

Basic Site Accessories and Amenities such as landscaping, site furnishings, benches, seating, picnic tables, drinking fountains, sun dials, shade structures, mosaics, unique pathways, etc.

Fountains may be fairly simple or large and complex. These will require additional consideration and review because of the infrastructure required (plumbing and electrical), additional maintenance implied and environmental issues.

Markers are small scale, conspicuous objects used to distinguish or mark something.

Memorials are medium scale and serve as a remembrance of a person or an event.

Memorial Gardens and Plazas may include some of the objects listed above but include a spatial experience.

Monuments are large scale and venerated for their enduring historic significance or association with a notable past person or event.

Other Memorials is a category to cover proposals that may not fit into any of the categories previously described.

Simple Plaques are those that are mounted flush with the ground. The size should be appropriately designed per the limitations and consideration of the setting.

City Installations Construction plaques, markers designations or other indicia installed as part of a City project is exempt from this policy.

Process

The PAC will consider requests during the first quarter of each year and generally will approve no more than one request per year of the type described in A through F above. Before proceeding with the subsequent steps of this process, applicants desiring to place a monument, memorial, marker or plaque should submit a letter to the PAC that outlines in sufficient detail the main purpose and concept of their proposal.

Members of the PAC will then schedule a feasibility consultation with the applicant and advise him or her of the content of this policy, the appropriateness of the proposed memorial or monument in light of this policy, and the necessary courses of action required to complete the application. The proposed project must meet the following criteria in order to be considered by the PAC

Strength, Dedication, Discipline, Determination, Jeffery Burnham Rudolph, Photo courtesy of Arts Management and Planning Associates

a) Use of Public Space: Donors of monuments, memorials, markers, and plaques shall consider the primary uses of public open space in their request for a location or suitable site. While appropriate memorials may enrich an area, public open space is also a precious commodity. Therefore, monuments, memorials, markers, and plaques should be carefully reviewed to balance these two public benefits to protect the greater good.

b) Timelessness: The quality of timelessness shall be considered in the significance of the individual, community or event being memorialized. Memorial proposals should represent the values and principles of the community that will be relevant to future generations.

c) Community Significance: Proposed projects must serve to commemorate or to identify a particularly significant historic event or person. Projects that seek to honor particular individuals or events by placing them into the public realm should appeal to the broader interests of the community. To assure that the significance of an event or person has withstood the test of time, a project may only commemorate an event one (1) year or older and a person one (1) year or more posthumously. The PAC may waive this requirement for those individuals with exceptional community significance in cases of unusual and compelling circumstances.

d) Past Honors: The City inventories all publicly owned fine artworks, public art, and design enhancements, in addition to all commemorative monuments, memorials, markers, and plaques in order to enable the City to effectively evaluate proposed memorials. The PAC will consider that specific individuals, organizations or events may have been sufficiently honored in the past.

e) Maintenance Planning: Maintenance concerns should be a primary consideration, with adequate financial provision made for continued future maintenance. In all cases, permanent memorials should be made from durable materials that will stand up over time. Memorials that include moveable parts or technological elements will require additional consideration and review and must conform to the

f) Financial Responsibility: The donors of the proposed memorial are required to pay for the complete design, manufacturing, installation, and a future maintenance fee to ensure adequate quality of care for the memorial. To allow for the installation of new public art projects, as well as maintenance of existing art inventory and commemorative artworks, donations made to the City shall be credited to the Art in Public Places Reserve account. Contributions toward this account may be combined towards larger scale projects, which will recognize both individual and group donations. The City shall be responsible for maintenance of all art and memorials acquired as part of this program/policy.

g) Ownership: Improvements made on City lands become the property of the City of Golden.
h) Structures over Six Feet in Height: The International Building Code, the current building code adopted by the City, requires that any structure over six feet in height should be designed according to professional engineering practices. These structures will require an engineer's letter.

Criteria for Design and Placement Review

The basic types of memorials vary greatly in the impact they have upon the community and open spaces; the review process for allowing them to occur on City owned land should reflect those differences. A public art review process is required for any proposals for public artwork memorials, which is outlined in Chapter 2.60 Art in Public Places. All memorials, however, will be judged for appropriateness according to the following criteria.

Design Criteria

a) The quality, scale, and character of the memorial should be at a level commensurate with the particular location or setting.
b) The memorial contributes to the location from a functional or design standpoint.
c) The memorial should be designed by a qualified professional in the field appropriate to the size, scale, and complexity of the proposal.

Placement Criteria

a) The location under consideration shall be an appropriate setting for the memorial; in general, there should be some specific geographic justification for the memorial being located in the proposed location.
b) It should be considered that a particular location may reach a saturation point and it would be appropriate to limit future memorial installations at a particular location or area.
c) The location of the memorial should complement and enhance existing and proposed circulation and use patterns.
d) The location of the memorial should be supported by any master plans in effect at the time of the submission

The following items must be provided in order to file an application for review by the PAC.

a) All Inclusive Costs: The cost of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, permits etc. must be financed by the requesting party. The memorial proposal shall include all-inclusive costs and any exclusion shall be stated clearly in the proposal. Additionally, any party hired or employed by the requesting party must provide proof of insurance approved by the City that may include and not limited to: general liability, automobile insurance, professional liability insurance, performance insurance bonds, workman's compensation coverage, and others as required by the City.

b) Site: All proposed monuments or memorials must relate to and support their proposed site and/or community. Any party proposing to install a monument, plaque or memorial must propose three feasible sites, public or private, for their project along with an explanation of the significance and relationship to each site Maintenance: All monuments, memorials, markers, and plaques require insurance, bond and endowment fund (as appropriate), and a maintenance schedule by the memorial donor adequate to ensure its care conditions satisfactory to the donor and the City. The posted insurance or bond should also cover costs of installation and/or removal. If an adequate level of maintenance is not continued, the City reserves the right to remove or modify the memorial or any portion of the memorial.

c) Wording on memorial plaques: Individuals and groups may be recognized for their contributions towards a memorial project. All text and design\ must be approved by the PAC prior to the fabrication of the plaque and it shall not include logos of any kind. Logos (symbols or trademarks designed for easy and definite recognition) may not be used in the overall design concept of the memorial. Logos may not appear on a plaque acknowledging the memorial's donors. The acknowledgment plaque should be incidental to the memorial and not the main focus of the memorial.

d) Artwork: All proposed public art memorials shall complete the public art review procedures as set forth in Chapter 2.60, the Art in Public Places Policy.

Approval Process for Adorned Plaques, Simple Plaques, and other Site accessories and Amenities

a) Written Proposal: Once the initial feasibility of the applicant's proposed memorial has been established by the PAC, the applicant will be requested to submit a written proposal with as much information as possible as to the design, size, materials, appropriateness of preferred site, map identifying the proposed site, plaque wording, sketches, renderings, a rendering of the plaque or site accessory at the proposed site, and estimated costs. A maintenance plan must also be submitted prior to final approval

b) Proposal Review: The requesting party is required to complete the following steps before presentation to the PAC for recommendation:

i. Prepare any additional submission requests as required by staff.
ii. Provide evidence of financing or fund raising activities.
iii. Submit proof of insurance requirements.
iv. Notify the appropriate neighboring community or business associations that may be affected by the location of the plaque or site accessory. Provide the comments and feedback from these organizations.
v. Provide site plans, detailed designs, and schematic drawings.
vi. Any engineering, structural, or site impact questions must be addressed before the proposal can be placed on the PAC's agenda for recommendation.
vii. Submit information concerning the type of materials to be used, the type of coatings and patinas.

Once all of the requirements listed above have been completed, the proposal will be placed on the next available PAC agenda. The PAC will consider all information, including the staff recommendation, the written proposal and concepts, and public testimony in its decision making process. The PAC may recommend approval of the placement of the proposed plaque; it may request additional information on the proposal; or it may recommend denial of the placement of the plaque.

Upon approval, the requesting party will be required to enter into a contractual agreement with the City of Golden prior to the commencement of any work. No work may begin unless the applicant can provide evidence of funding sufficient to cover 100 percent of all costs associated with the design, construction, and placement of the memorial. The applicant must also provide evidence of funding of a maintenance endowment equal to 10 percent of the total cost of the memorial. All construction documents must be reviewed by the appropriate City departments before the commencement of construction.

Approval Process for Memorial Benches and Trees

The City of Golden supports the needs and principles of allowing memorial benches or trees downtown, on trails and in parks and green space areas, but is also mindful that these facilities have many uses and are enjoyed by a wide range of people. Therefore, the City desires to manage and regulate memorial benches and trees for the mutual benefit of all. It is the intention that the memorial bench and tree donation program only covers the broad sense of memorial benches and trees and is not meant to be exhaustive.

Tree Memorials

Tree memorials are a great way to honor a friend or family member and contribute to Golden's beautiful landscape. Placement of tree memorials will follow these guidelines:

a) After initial contact with the donor, the City Forester will make arrangements on site at the approximate tree location. The Forestry Division will provide location options for the donor;
b) The City Forester will make tree species selection as appropriate, with trees being at least 2" caliper at the trunk for hardwood species or 6' in height for coniferous species;
c) After confirmation of location with donor, the City Forester will purchase the tree and provide a copy of the invoice to the donor.
d) City staff will plant the tree at the agreed upon location and time and receive payment from the donor;
e) Staff will place a memorial tag on the permanent tree donation plaque located near the 8th Street entrance inside the Golden Community Center. No on-site plaque is permitted.
f) The City reserves the right to remove any memorial trees that have been damaged, either through age or vandalism, and is, in the view of City staff, unrecoverable.
g) The City accepts no liability for damages to any memorial trees from vandals or third parties.

Memorial Benches

Memorial benches have become an increasingly popular way to pay tribute to loved ones. Placement of memorial benches will follow these guidelines:

a) The City of Golden Parks Division has determined desired locations where benches can be placed based on needs and the maximum number of benches appropriate for each location or park. The Parks Division will provide location options to the donor;
b) Bench placement is not currently available along the Clear Creek Corridor due to the extensive number of benches currently in the corridor and the continuing development of the Clear Creek Corridor Master Plan.
c) Memorial park benches are maintained by the City for 10 years.
d) After 10 years, the bench shall be self-supporting, e.g., all costs related to the memorial shall be at the expense of the donor including repair or replacement, if necessary, at the discretion of City staff.
e) If staff recommends replacement, the donor may purchase a new bench for the location or the bench will be removed. The bench location will then be available for future park bench memorials.

f) Memorial bench donations will have a memorial plaque embedded into the bench.
g) All memorial benches will be recycled material and of uniform style per the discretion of staff. Benches will be surface mount to ensure easy removal and replacement as needed and should conform to the American Disabilities Act (ADA) resting bench program and long range City planning goals.
h) Content for plaques will be subject to approval of staff.
i) City staff will maintain a record of each donation.
j) The City reserves the right to remove any memorials that have been damaged, either through age, use or vandalism, and is, in the view of City staff, beyond repair.
k) The City accepts no liability for damages to any memorials from vandals or third parties.

Gifts

The City may, from time to time, accept memorial gifts in the form of public art. Plaques acknowledging the gift shall be bronze and no larger than ten inches by four inches (10”x4”). Memorial plaques for a tree or other plantings are not permitted.

Plaques recognizing donors for significant improvements or plaques acknowledging the naming of significant improvement such as, but not limited to, pocket parks, footbridges, fountains, grottos, gardens, gazebos, overlooks and other significant features may be placed on City property. The plaques may be no larger than 144 square inches and must be made of either cast bronze, cast aluminum (or other suitable metal), carved stone, or tile. An individual, corporation or foundation must be acknowledged with wording similar to “sponsored by, underwritten by, a gift from...” and shall not contain corporate logos. This does not preclude the official City logo from being included on any plaque.

Placement of gifts and plaques of acknowledgment are under the jurisdiction of the PAC after coordination with applicable City departments.

Section 8: Maintenance Policy

Public Art in the City's collection shall be preserved and maintained.

Nighthorse on the Mesa, Patrick Madison, Photo courtesy of Arts Management and Planning Associates

Background and Definitions

The goal of the Public Art Maintenance Policy is to maintain the City's collection of publicly owned artwork to ensure the long-term enjoyment of the collection by Golden citizens and visitors. The Public Art Maintenance Policy spells out the documentation, preservation, and maintenance processes that will support that goal. The Public Art Maintenance Policy will be implemented on a piece specific basis that recognizes the value of each work of art in the collection.

Definitions

Art in public places The term "art in public places" refers to any visual work of art displayed for more than two weeks 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 with grants the City has procured.

Documentation includes, but is not limited to, periodic condition reports, records of actual maintenance performed and an assessment of those efforts, photographs, artist's maintenance recommendation, methods and materials information, potential problems with the work, finishes information (e.g., painter's name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties, professional and/or other knowledgeable opinions regarding preservation and maintenance. The documentation may also include the artist's resume, artwork history, estimated value, where the work has been exhibited, and a personal interview with the artist. This documentation will become part of the permanent documentation of the specific piece and will reside with the Staff Liaison.

Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. This plan will include measures to assess the ongoing effectiveness of preservation.

Preservation includes placement; installation; security; relocation; regularly scheduled maintenance and emergency repairs (with consideration to the natural process of aging).

Work of Art or Artwork The term "work of art or artwork" refers to, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving, electronic media, photography, stained glass or site-integrated public art. The term "work of art" would not normally include landscaping, architectural ornamentation, or signs, unless such elements are an essential component of the artwork itself.

Process

a) Documentation. The initial documentation will occur before a piece is accepted into the City collection. The PAC, appropriate City departments (Facilities Maintenance, Parks & Recreation, Public Works), City Council, outside contractors, service people and experts may be asked to review this documentation. Documentation will reside in the records of the Staff Liaison.

b) Maintenance documentation when artwork is accepted into the City collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g., timing, type of maintenance) and identify any maintenance issues that may require special attention. Each medium will require that personnel with the appropriate expertise be consulted with in order to develop maintenance criteria. In addition, the maintenance criteria may include future historic and aesthetic considerations for each piece. The maintenance documentation may be reviewed and revised as needed.

c) Inspection and Condition Report Once each calendar year, the PAC, through the Staff Liaison will complete an inspection and condition report. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection for each piece. The inspection and condition report will become part of the permanent documentation of the specific piece and will reside with the Staff Liaison.

d) Regular maintenance. Paid professionals and/or trained and supervised volunteers will perform regular maintenance according to the maintenance schedule and condition report for each specific piece. The Staff Liaison will initiate and coordinate the regular maintenance activities.

e) Special Maintenance. Paid professionals/ craftspeople or knowledgeable volunteers will perform maintenance that requires specialized tools, equipment, or knowledge on an “as needed” basis. The PAC will use the condition report and/or site visits to determine need.

f) Emergency Maintenance or Repair. Paid professionals/craftspeople or knowledgeable volunteers will perform emergency maintenance or repair on an “as needed” timely basis as determined by the PAC, Public Works staff or other qualified professional.

g) The PAC will make every effort to stay informed about damage to artwork and will consider such damage when making decisions with regard to acquisition, location, safety, deaccessioning and maintenance of specific pieces in the current collection and future works of art or artwork.

Implementation

a) Policy Implementation. The Staff Liaison and interested persons will implement and monitor the Public Art Maintenance Policy and will report to the PAC each quarter or more often if needed, on the status of artwork maintenance. City staff will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy.

b) Funding for maintenance will be established through a budget developed by the PAC and presented to City Council during the budget process. Funds will come from the PAC Art in Public Places reserve account, established in 2.60.040. Maintenance funding will take precedence over art purchases.

c) Contract Services. Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.

d) Quality Control. The PAC believes in regulating the quality of maintenance to an established standard. Therefore, the PAC will work to collect maintenance data (e.g. Lacquer vs. waxing, annual vs. biannual maintenance, professional vs. volunteer, etc.). The PAC and Staff Liaison will use this data to develop specific quality standards and devise ways to measure if the standards are met. Once established, the standards will be used to collect relevant data, analyze that data, and create corrective action plans as needed. The Staff Liaison will identify specific areas of comparison (e.g. using multiple contractors and comparing the results of their work) and documenting specific maintenance challenges and failures (and their solutions).

Section 9: Deaccessioning Policy

Occasionally, public art needs to be refreshed and deteriorating artwork must be replaced.

Winter Wind on the Mesa, Marie Barbera, Photo courtesy of Arts Management and Planning Associates

Background

Deaccessioning is a procedure for withdrawing a work of art from the City of Golden's public collection. Golden's Public Art Commission (PAC) is responsible for deciding whether any piece(s) should be deaccessioned. Deaccessioning occurs only for good reason, at the PAC's discretion.

Basis for Deaccessioning

The PAC may deaccession artwork for one or more of the following reasons:

a) The artwork endangers public safety;
b) The artwork has been determined to be in unsatisfactory condition;
c) The artwork lacks a suitable display site;
d) The condition or security of the artwork cannot be reasonably guaranteed where located;
e) The artwork is attached to a structure slated for destruction, remodeling or repair (so that it is not practical to keep the artwork);
f) The artwork is or has become incompatible with the rest of the collection;
g) The City wishes to replace the artwork with a piece of more significance;
h) The artwork requires excessive maintenance or has faults in design or workmanship.
i) The artwork is fraudulent or not authentic;
j) The City cannot properly care for or store the artwork;
k) For any other significant reason articulated by the PAC, at its discretion.

Works of art covered under the Memorial Policy will be considered in accordance with that policy.

Process and Disposition

The PAC will review the pieces in the City's Art in Public Places collection - at least once every two years, beginning in the first year of the program - to determine whether any piece(s) should be deaccessioned. In addition, the PAC reserves the right to deaccession any artwork at any time deemed appropriate by the PAC. Deaccessioning may only be considered during a monthly or a special meeting of the PAC. A majority of commissioners in a quorum must approve deaccessioning for two consecutive meetings. After the decision is made to deaccession, a public announcement of the plan to deaccession must be made to permit public input prior to a formal vote at a subsequent meeting. After the formal vote, the artwork shall be officially deaccessioned from the City collection.

The PAC may consider the following options for disposition of a deaccessioned artwork:

a) Return to the artist;
b) Return to the donor;
c) Sale or trade;
d) Destruction (which shall be reserved for work deteriorated or damaged beyond reasonably-priced repair);
e) Donation; or
f) Any option deemed appropriate by the PAC

Adolph Coors, Sarah Maloney, Photo courtesy of Arts Management and Planning Associates