

Community Democracy River

CREATE OR UPDATE ORDINANCES

Public Art Ordinances

- An ordinance is a set of rules passed by a local municipality. In most towns, ordinances are reviewed by the city council, and if the majority of council members votes “yes”, the ordinance is passed.
- Ordinances can address a variety of issues and topics, including the creation and funding of art in public spaces.
- Public art can grow pride in community spaces and to bring more money and economic development to your town (Cueng, et al., 2021).

River point: Upriver – Green Space Ordinances can be implemented at any time.

- Green Space Ordinances will be strongest if levers are also pulled up- and midriver. Specific levers that build and engage relationships, change local laws to allow and protect green spaces will be helpful for stronger Green Space Ordinances include:
 - Authentic relationship building
 - Co-create community vision
 - Learn about your municipality, who holds power, and local laws
 - Create or update local laws (ordinances)
 - Updating zoning laws
 - Find a way to pay for your vision
 - Be part of local municipality
 - Engage and energize your relationships and community
 - Attend meetings & public hearings, and review local agendas and public notices
 - Develop strategic messaging

Strengths & Skills that can pull lever:

- Relationship Building & Feeling
- Influencing & Motivating
- Thinking & Strategy
- Doing & Executing

Decision-Making Power: Municipal governing body

Ordinance Examples

The goal of this worksheet is to help you see possibilities and how other towns have used ordinances to create more green spaces and trees. You can use these ideas to figure out what solutions will work best in your town. It’s important to know that most ideas will not get rid of the issue completely, sometimes getting your decision-makers to agree and pass your ideas will take time and advocacy, and the final idea needs to align with standards and other local, county, state, and federal policies.

The following ordinance examples show different ways that towns and cities have used local laws to protect the environment and work toward environmental justice.

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All five are assessed for:

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| <p>Practicality</p> <ul style="list-style-type: none"> • Ease to create and enact. • Affordability to municipality. • Has clearly defined measures of success • Potential preemption issues from state and/or federal laws. | <p>Equitable</p> <p>Builds toward equity and social or political determinants of health. Includes addressing past harms and changing the future for racial, economic, LGBTQ+, immigrant & refugee outcomes:</p> <ul style="list-style-type: none"> • Physical and mental health and wellbeing. • Jobs & economic security. • Healthy and affordable housing. • Positive neighborhood environment. • Food security • Neighborhood safety. • Ongoing community input & participation. | <p>Resiliency</p> <ul style="list-style-type: none"> • Protects the environment through healthy air and water, green spaces, and heat index. • Opportunities for youth • Opportunities for community connection & togetherness |
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Ordinance Example One: Public Art Commission

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| <p>Ypsilanti, Michigan: This public art ordinance creates a commission to promote and implement public art in the city of Ypsilanti, Michigan.</p> | |
| Practicality | <p>The ordinance creates a 5–9-member commission. Commission members must be residents of the city.</p> <p>The commission must include two non-voting youth members.</p> <p>The commission reports to the City Council, the mayor, and the city manager.</p> <p>The funding for the public art can come from the city budget, from grants, or donations. Ultimate funding decisions from the city budget are made by the City Manager. The commission is responsible for pursuing donations or grant funding.</p> <p>The ordinance defines what is considered public art (including, sculptures, paintings, murals, mosaics, digital art, performance art).</p> |
| Equitable | <p>The ordinance requires the commission to promote opportunities to employ artists, though it does not specifically address equity.</p> <p>Art commission members are not paid.</p> <p>The ordinance states that the commission must promote the city’s policy of diversity, heritage, and pride in its work, though there are no specific requirements for how this should be done.</p> |
| Resiliency | <p>The ordinance requires the commission to have two youth members. These youths are non-voting members of the commission.</p> <p>No rules or incentives to protect the environment.</p> <p>No rules or incentives to build community connection.</p> |
| Highlights | <p>This ordinance requires that at least two young people be involved in the public art program. This can help encourage further youth involvement in public art.</p> |

Ordinance Example Two: Public Art Fund from City Projects

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| <p>Allegheny County, PA This public art ordinance sets aside money for public art from eligible city improvement projects and creates an Arts Board in Allegheny County, Pennsylvania.</p> | |
| Practicality | <p>The ordinance creates a 9-member board:</p> <ul style="list-style-type: none"> • 2 artists • 1 arts patron • 1 arts organization employee • 2 architects • 1 educator • 1 member of the business community • 1 community member • The Directors of Public Works and Economic Development also serve on the board. <p>5 of the members are appointed by the County Council and the remaining 4 are appointed by the county chief executive.</p> <p>The board reports to the County Council and Chief Executive for final approval on art projects. Money for art can come from the city budget, grant funding, and from private developers. The arts board is responsible for finding alternative funding sources.</p> <p>2% of the funds from eligible construction projects are set aside for art. Eligibility is determined by the city council and the city's municipal code.</p> |
| Equitable | <p>The ordinance doesn't specifically address equity in hiring artists.</p> <p>The ordinance requires that racial and gender diversity must be addressed when selecting members to the Arts Board but does not specify standards for diversity.</p> <p>Arts Board members are not paid.</p> <p>The Arts Board may hire local artists, but the ordinance doesn't have requirements for job creation.</p> |
| Resiliency | <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>No rules or incentives to build community connection.</p> |
| Highlights | <p>This ordinance sets aside 2% of funds from eligible projects, which is higher than many percent-for-art programs (1% is standard).</p> |

Ordinance Example Three: Public Art Fund from City Projects and a Public Art Committee

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| Cleveland, OH | |
| This public art ordinance sets aside money for public art from eligible city improvement projects and creates a Public Art Committee in Cleveland, Ohio. | |
| Practicality | <p>The Cleveland City Planning Commission must create a Public Art Committee. Members are nominated by the Mayor and must include:</p> <ul style="list-style-type: none"> • 1 visual artist • 1 art organization administrator • 1 public art expert • 1 active community member • 1 City staff member • 1 architect • 1 member of City Council • 2 general community members <p>1.5% of the cost of city construction projects, including new buildings, bridges, or other structures, must be set aside for public art. Eligible city projects must cost more than \$300,000 and be located on city property.</p> <p>The art must be placed on the site of the city construction project, if appropriate. The City Planning Commission can choose another location if needed.</p> |
| Equitable | <p>The goal of this program is to “involve residents in the process of providing public art”.</p> <p>Public Arts Commission members are not paid.</p> <p>The Commission may hire local artists, but the ordinance doesn't have requirements for job creation.</p> |
| Resiliency | <p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>The overall goal of the ordinance is to create community engagement opportunities through public art.</p> <p>No rules or incentive to build community connection.</p> |
| Highlights | <p>This ordinance sets high standards for the expertise of the Public Arts Commission Members.</p> <ul style="list-style-type: none"> • Pros: this can ensure public art projects are high-quality • Cons: these high standards can exclude community members who want to be involved but don't have fine art experience |

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Ordinance Example Four: Public Art Fund from City Projects and Public Input

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| Chicago, IL | |
| This public art ordinance sets aside money for public art from eligible city improvement projects in Chicago, Illinois. | |
| Practicality | <p>The ordinance requires that the Department of Culture Affairs create rules and procedures for acquiring public art, and how public art funds should be used.</p> <p>Funding comes from eligible city-owned and funded construction or renovation projects.</p> <p>Eligibility is determined by the type of construction or renovation project.</p> <p>Up to 20% of the public art program can be set aside for maintenance and upkeep of public art. Composting is permitted but must not create pest, odor, or litter issues.</p> |
| Equitable | <p>The ordinance says that groups that may be interested in or impacted by new art projects be asked prior to starting the art project.</p> <p>The ordinance requires at least two public meetings for questions and comments for each art project.</p> <p>The ordinance allows competitions to select art that the city will buy and display.</p> <p>The Department of Cultural Affairs may hire local artists, but the ordinance doesn't have requirements for job creation.</p> |
| Resiliency | <p>No rules or incentives to build youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>The ordinance requires public input on art projects during public meetings.</p> |
| Highlights | This ordinance requires public input for art projects. The ordinance creates clear rules for how community members should be consulted on proposed projects. |

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Ordinance Example Five: Public Art Fund from Developers

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| <p>Oakland, CA This ordinance requires developers to give money to a public art fund or to put art in public areas. The goal of the ordinance is to grow the appeal of the community in Oakland California.</p> | |
| <p>Practicality</p> | <p>This ordinance creates a requirement for private developers to include public art in their projects.</p> <p>Non-residential building projects that construct more than 2,000 square feet of new area must use at least 1% of the project funding for public art.</p> <p>New residential projects of 20 units or more must use at least 0.5% of project funding for public art.</p> <p>Developers may give money to a public art program instead of putting public art in new developments.</p> |
| <p>Equitable</p> | <p>The ordinance doesn't explicitly talk about equity in hiring artists.</p> <p>The ordinance encourages developers to employ local artists.</p> |
| <p>Resiliency</p> | <p>No rules or incentives to build youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>No rules or incentives to build community connection.</p> |
| <p>Highlights</p> | <p>This art money comes from private development projects, rather than using a portion of the public budget for art.</p> <ul style="list-style-type: none"> • Pros: this can be more cost-effective for municipalities. • Cons: less input from communities & could deter private development in short-term. |

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Common Elements of Public Art Ordinances:

No ordinance is perfect, and only your community knows what the “best” ordinance for your city would be. Many of these ordinances are from large cities. This does not mean that smaller communities can’t or don’t have public art ordinances! Many smaller towns do not publish their municipal codes on the internet, so it is difficult to find examples of public art ordinances in smaller towns. Small cities are a great place to promote local art and there are some key items to include in your “best” ordinance:

Who Oversees It?

The ordinance should create a commission and give it specific job duties. It should also set how long members can be on the commission, and whether commission proposals require approval from the mayor or the city council.

- Will your ordinance create a commission to handle the affairs of a municipal art program, or will it simply earmark funding for public art?
- Which members of your community would make great commission members? How many members should your commission have?
- If a commission is established, will there be enough community members interested in the initiative to serve on the commission?
 - Will community members have the time to spend on these matters?
 - Are commission members typically compensated for their time?

How Is It Paid For?

The ordinance should say how the art program gets paid for. Many ordinances use money set aside from the budget of city improvement or construction projects. Other ideas include finding grants or making private developers contribute to an arts fund.

- Do the community members prefer for the funding to come from municipal capital investment budgets, or from private development?
- Are there developers who can be required to contribute to public art? Requiring private developers to contribute to the art fund may be helpful for municipalities who don’t feel like private developments benefit their cities. This method may be more difficult to use because it requires cooperation from developers. This method might allow cities with small budgets to have more money for public art than if they used a portion of their funds.
- The rule for private developers to pay into art funds may appeal to developers who want to build a positive reputation in the city.
- If the funding for public art comes from city improvement and construction projects, is there a large enough budget to allow for this?
- What additional funding sources are there for public art?

What Projects Are Eligible?

Each city will have different eligibility requirements for projects that can contribute to public art funds. Sometimes eligibility is determined by the total cost of the development project, while in other cities eligibility may be determined by the type of project (transit, infrastructure, improvement, etc.). It is important that the standards of eligibility are clear in the ordinance itself. How specific should the ordinance be about what is considered art? Lots of structure may be a positive or negative for CDP communities. Specificity may be welcome for a community that is just beginning to incorporate public art, but communities may want the Board or committee to have more leeway in selecting art.

How Should It Be Maintained?

Unfortunately, public art can get damaged sometimes. Some ordinances set aside some of the public art budget to the upkeep of art. Extreme weather could damage art, and unfortunately, tagging and vandalism are always a risk in public spaces. The art commission should be prepared to restore the art as

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needed and should have the money to do so. To avoid increased unnecessary policing in public spaces and discouraged attitudes within the community due to damaged art, funds should be allocated for the restoration of public art should it be vandalized or damaged by other means.

Where Should It Go?

The ordinance should create standards for where public art should be placed. The commission should suggest where the location of public art should be, and should be asked to use equity criteria, and community members' vision for their spaces, in their decision-making.

How Is Community Included?

The ordinance should encourage public input. This could look like allowing the commission to create sub-committees with community members who share the community vision. This could be helpful for creating community cohesion. Also, the ordinance could require the community to be asked about the location and type of public art, like the ordinance that was passed in Chicago. How many other community members are interested in a public art ordinance?

How Should Young People Be Included?

Many communities are looking for ways to engage youth. Public art programs may be an excellent way to encourage creativity, skill building, and civic engagement. The ordinance may promote or require opportunities for youth, or may require youth involvement on the arts commission, like in Ypsilanti, MI.

Who Should Be Hired?

The ordinance could require that public art be made by local artists. Hiring local artists could increase community pride and cohesion. For some towns, making this a rule could be challenging if there are few local artists. The ordinance could encourage hiring local artists, or require that local artists be asked first, but allow the commission to hire non-local artists if the need arises.

How Can It Help The Environment?

Some communities may want to address environmental concerns, like extreme heat during the summer. For example, a community in Phoenix, Arizona installed public art that doubled as shade panels at bus stops. The ordinance may promote environmental resilience while addressing community concerns and improving wellbeing. A link to this project is below.

How Can It Create Programs?

Ordinances can give art boards or commissions to create projects. The ordinance may provide clear guidance on the type of programs should be created, but it may be preferable for the ordinance to be vague on this topic, giving the board or commission a lot of leeway on the types of programs it can create. Communities may want programs that focus on art education, youth involvement, community involvement, performance art, environmental protection, community resiliency, etc.

References and Resources:

- [5 Ways Arts Projects Can Improve Struggling Communities](#) by Project for Public Spaces
- [A Community Guide to Creating Public Art](#) by Amy McBride, Public Art Administrator of the City of Tacoma, Washington

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- Allegheny County, Pennsylvania County Code, Chapter 207, § 207-1 – 207-9
- Arts and Economic Prosperity by Americans for the Arts
- Cheung, M., Smith, N., & Craven, O. (2021) The impact of public art on cities, places and people's lives. The Journal of Arts Management, Law, and Society. 52(1)
- Chicago, Illinois Municipal Code, Chapter 2-28, Article 2, § 2, Ord. 2-28-100
- City of Phoenix Transit Shade Series
- Cleveland, Ohio Municipal Code, Part One, Chapter 186, § 186.01 – 186.06, Ord. 1356-03 & 166-13
- Cool it with Art: A How-To Guide for Tackling Rising Temperatures with Art in Our Communities by the Metropolitan Area Planning Council
- Engaging Adolescents: Building Youth Participation in the Arts by Americans for the Arts
- Equity and Inclusion Statement from Public Art Ordinance in Albuquerque, New Mexico
- Funding Sources for Public Art by Project for Public Spaces
- Oakland, California Municipal Code, Chapter 15.78, § 3, Ord. 13443
- Our Town: Program Description by the National Endowment for the Arts
- Percent for Art Policy Examples by Americans for the Arts
- Public Art and the Promotion of Racial Equity by Kristen Day
- Ypsilanti, Michigan, Municipal Code, Chapter 79m, Article 1, § 79-1 – 79-8, Ord. 1342