

**DEPARTMENT:**  
**Community Services**  
**PARKS, RECREATION**

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**Public Art Policy**  
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**& CULTURE**

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## **Part A - City of Niagara Falls Public Art**

### **1.0 Introduction**

Public Art is defined as physical works of art and cultural property installed in the public realm. These works of art can be temporary or permanent, and may be installed within buildings, or outdoors on public lands. This document provides a vision, purpose and goals for the City's relationship with all public art, while specifically addressing management guidelines and policy for the public art that currently exists.

### **1.1 Vision**

Visually beautiful cities stimulate a sense of pride and commitment. Through its Public Art Policy the City of Niagara Falls strives to create vibrant public spaces that reflect the diversity of our community, and engage its residents and visitors with quality works of public art.

The City of Niagara Falls seeks to encourage all those who care about the community to participate in making art, collecting it and commissioning it.

### **1.2 Goals**

1. Provide access to art in public places for all of Niagara Falls' citizens.
2. Enhance Niagara Falls' desirability as a community by creating appealing environments in which to live, work and play.
3. Honour, preserve and encourage our cultural heritage and artistic diversity.
4. Promote civic identity through awareness and preservation of the community's history, cultures and living arts.
5. Support effective urban planning, economic development and cultural tourism opportunities. All public art projects and acquisitions will be assessed and developed according to the above goals.
6. To encourage donations of local art or art collections so that pieces can be kept within the community.

### **1.3 Purpose**

The purpose of this policy is to provide:

- an effective mechanism for determining appropriateness and method of placement of public art, be it temporary or permanent, within buildings, or outdoors on public lands belonging to the City of Niagara Falls;
- the criteria for the review and selection of public art to be displayed within buildings, or outdoors on public lands;
- criteria for the acquisition of public art;

- guidelines for the management, preservation, interpretation, development and promotion of the City's public art collection;
- a foundation on which to develop programs that allow Niagara Falls' residents and visitors to experience art in public places.

#### **1.4 Community Context**

This policy has been developed with consideration for other public institutions in the City with mandates pertaining to public art. It is the intent of the City to operate in partnership and cooperation with, and mindful of, these institutions. For the residents and workers of Niagara Falls to be best served, the management of the City's art collection shall be responsive to each of these institutions and, where reasonable, neither repetitive nor competitive.

#### **1.5 Ownership**

The City of Niagara Falls owns a collection of art work and items of moveable and fixed cultural property. It is an accumulation of material from varying sources and provenance brought together through various means, legally owned by the Corporation and retained on a permanent basis. It is understood that the ownership of the collection by the City is free and clear, without any limitations placed upon its use.

#### **1.6 Definitions**

For the purpose of this policy the following definitions apply, the term "art collection" refers to the works of art and cultural property owned by the City of Niagara Falls.

Public Art refers to visual works of decorative or functional purpose owned or managed by the Corporation of the City of Niagara Falls. The Public Art policy does not include the collections of the City of Niagara Falls Museums.

Public Art may include but is not limited to:

- a) sculpture, in any material or combination of materials, whether in the round, bas relief, mobile, fountain, kinetic, or electronic;
- b) murals, mosaics, fibre works, glass works, photography, paintings, graphic arts and prints that are hand pulled or machine made that are limited in their edition, or other art forms in any material or combination of materials;
- c) tableaux, vignettes or creative displays of an artistic/informational nature which interpret the heritage significance of a building or site;
- d) memorials, plaques, and commemorative tablets;
- e) architectural embellishments such as arches, ornamental gateways, ornamental surface treatments, street inlays, foundation stones and other structures of a permanent or fixed character intended for ornament or commemoration, both interior and exterior;
- f) a combination of landscaping and landscape design with artistic intent such as rocks, fountains, reflecting pools, benches, and other types of street furniture;
- g) decorative arts (limited to furniture and furnishings of the public rooms of City owned buildings).

**Public art is located in:**

Publicly Accessed Areas are spaces frequented by the public, accessible to or visible by the public. Examples include but are not limited to:

- a) parks, boulevards, sidewalks, tunnels or bridges;
- b) foyers, conference rooms, auditoria, courtyards and concourses;
- c) the interiors and exteriors of buildings including arenas, community centres, theatres, museums, galleries, parking arcades.

Public Buildings are any buildings that are available for the unrestricted access of the general public during normal business hours or longer. Examples include City Hall, libraries and administration buildings, sporting facilities and transit customer facilities.

**1.7 Scope of the Collection**

In keeping with the stated purpose and goals, the scope of the collection will include:

- works by artists who were born, live or lived in Niagara Falls;
- views of the City;
- representation of the community's civic history;
- representation of the community's cultural and artistic heritage;
- Niagara Falls' specific content;
- items from community organizations, and other municipalities and countries that are presented as official gifts.

**1.8 Private Sector Public Art**

Though not specifically addressed in the City of Niagara Falls Public Art Policy, the City recognizes that there are examples of non-municipal outdoor artworks located in privately-owned space across Niagara Falls that contribute to the identity and character of our community.

## **Part B - MANAGEMENT GUIDELINES FOR PUBLIC ART**

### **Role of Municipality**

#### **2.0.1 Governance**

City Council is the steward of the City's public art and as such holds it in trust for the citizens of the City of Niagara Falls. Council will maintain and develop the art collection in keeping with the vision statement and goals of the Public Art Policy.

#### **2.0.2 Management**

Council designates the custody of public art to the Parks, Recreation and Culture, Community Services Department and other public institutions. The management of public art will be the responsibility of the Parks, Recreation & Culture staff and other public institutions who will:

- ensure the development of a collection management system, with documentation standards and procedures modeled on museum practices and with an ongoing system of maintenance and inspection;
- develop, maintain and promote the art collection and oversee the provision of fiscal resources for this purpose;
- preserve the physical integrity and security of the art collection and the provision of adequate facilities and resources for its long term care;
- arrange for the installation and placement of public art in public spaces;
- facilitate programming and public education opportunities related to the art collection's use and promotion.

#### **2.0.3 Staff**

Parks, Recreation and Culture staff will manage the City's art collection. Additional professional services will be provided by contract as required.

#### **2.0.4 Public Art Task Force**

A Task Force will be appointed by Council to serve in an advisory capacity to staff. The composition of the committee will aim to reflect the diversity of the community.

### **2.1 Public Art Advisory Task Force**

#### **2.1.1. Composition**

The Public Art Advisory Task Force will be selected from the following:

- 1 member of the Arts & Culture Committee
- 1- 2 staff person - Community Development Co-ordinator and Municipal Works staff
- 1 working visual artist or craftsman, resident in Niagara Falls
- 1 person from the visual arts community i.e. curator, arts education person, arts administrator
- 1 representative from Niagara Falls Art Gallery
- 1 representative from Niagara Falls Museums
- 1 representative from the Niagara Falls Library
- 1 representative from Municipal Heritage Committee
- City Historian

- 1 staff person from an Education Institution - Fine Arts (high school, Brock University or Niagara College)
- 1 local architect working in Niagara Falls

Depending upon the piece of art to be discussed the committee may call upon specialists in the appropriate field to assist as required.

### **2.1.2. Role**

The role of the Public Art Advisory Task Force will be to consult with staff, review materials and make recommendations, regarding potential acquisitions and the disposition of works from the collection. They will also advise in the development of public art projects and any matters related to the development, promotion and use of the art collection.

### **2.1.3. Terms of Reference**

Will be developed for the Public Art Advisory Task Force which will detail process and reporting structure as per standard City procedure.

- The Public Art Advisory Task Force will advise on the implementation of the Public Art policy.
- The Public Art Advisory Task Force will be facilitated by City staff through Parks, Recreation and Culture.
- The Public Art Advisory Task Force will provide recommendations to City Council through Parks, Recreation and Culture staff.

### **2.1.4. Responsibilities of the Public Art Advisory Task Force**

- As directed review all proposed public art projects and ensure the application of established procedures and guidelines on a project-by-project basis.
- Advise staff on the implementation and maintenance of a civic public art inventory and the implementation of the accessioning and de-accessioning components of the Public Art Policy.
- Advise staff on proposed artwork gifts, bequests, and donations to the City of Niagara Falls according to the established guidelines.
- As directed review the maintenance program of public artworks ensure it is in place and practiced, in collaboration with municipal staff or their professional designates.

### **2.1.5. Conduct of Meetings**

- Regular quarterly meetings of the Committee shall be held, as necessary, to adequately deal with the business of the Committee and to hear public input respecting proposed public art installations.
- While regular meetings shall be open to the public, the Committee shall consider and formulate its recommendations respecting the commissioning of public art works in camera.

### **2.1.6. Code of Conduct**

- Members of the Public Art Advisory Task Force and the Arts and Culture Committee are disqualified from directly or indirectly benefitting from their participation in the Public Art policy during their tenure.
- Members of the Public Art Advisory Task Force and the Arts and Culture Committee are disqualified from submitting to public art projects for which the committee has approval authority of administrative responsibility during his/her tenure.

## **2.2 Budget**

- a. A specific Parks, Recreation & Culture budget be developed and implemented for the maintenance of the public art collection upon approval by City Council.
- b. External sources of funds from the private sector will be explored as well as government grants and public funding programs.
- c. Special accounts such as Reserve Funds or Trust Funds will be investigated.

## **2.3 Facilities**

- a. Appropriate facilities will be allocated for the administration, maintenance and storage of the City's Art Collection.
- b. The collection, when not on public display, must be stored in a secure area designated solely for this purpose.

## **2.4 Insurance**

- a. Insurance coverage will be provided for the art collection as a distinct entity. The policy must protect the collection against all risks of direct physical loss or damage, while in transit and at all City owned/leased locations, and while in storage or on display.
- b. The Committee members will be covered by the municipal insurance policy which indemnifies them against legal responsibilities for their actions, providing that they are not guilty of wrongful acts or gross negligence.

## **2.5 Policy Review Cycle**

This policy will be subject to review by the Public Art Advisory Task Force from time to time in a manner consistent with the City's policy review procedures.

## **Part C- GUIDELINES FOR THE ACQUISITION OF PUBLIC ART**

### **3.1 Integrity**

To ensure the integrity of the process of acquiring public art, the following criteria have been developed for reviewing proposed projects, offers of sale and offers to donate to the City's collection. In addition, it is the aim of this policy to ensure assistance is provided to all community members who seek to donate or sell works of art or cultural property to the City.

### **3.2 Acquisitions**

The Corporation may acquire material for the permanent collection through any of the following methods:

- gifts/donations;
- bequests;
- purchases;
- transfers;
- Committees.

### **3.3 Donations**

A proposed gift, bequest, or donation is to be referred and reviewed by the Public Art Advisory Task Force. A report with the task force's recommendation to accept or decline the gift will be submitted to the Director of Parks, Recreation and Culture for referral to City Council. Council will then consider the recommendation.

#### Criteria

- The gift, bequest, or donation will provide reference to the City of Niagara Falls or to represent Canadian culture to visitors (refer to scope)
- Giving particular but not exclusive preference to those artists living and working here, and who have lived and worked as artists in Niagara Falls
- The works of art will foster civic and national identity and should be comprised of works in all media that are of interest and importance to the community
- artistic merit
- compatibility to the vision, scope and goals of the collection
- authenticity and provenance
- ethical and legal suitability
- conservation implications including maintenance and storage

In the case of gifts, additional criteria include:

- nature and value of gift;
- occasion at which gift is presented;
- presenter and recipient of the gift;
- opportunities for display.

### **3.4 Procedures For The Acceptance of A Gift:**

The proposed gift is reviewed by the Public Art Advisory Task Force. If a gift is acceptable under the acquisitions criteria the steps are taken as follows:

- a) All donated items for the art collection should be appraised at the time of donation to determine fair market value. Acceptable appraisals will be from certified members of either the Professional Association of Art Dealers in Canada or the Certified Appraisers Guild of America. The donor is responsible for this cost.
- b) If the decision is favorable, a formal agreement will be drawn up outlining the responsibilities of each party. The agreement will address all relevant issues such as project funding, fabrication, siting, installation, maintenance, transfer to title, identification labels, deaccessioning. In all cases only unrestricted donations will be considered. If the donation is accepted, the donor must submit a legal instrument of conveyance of title.
- c) In accordance with the criteria established in the Income Tax Act (Canada), the City of Niagara Falls will issue a tax receipt to the donor based up an appraisal for fair market value.
- d) The donor will be recognized and acknowledged in a manner suitable to the object on display and in accordance with professional collections management procedures and standards.
- e) If a proposed gift is declined after review as described above, the prospective donor will be informed and the object will be returned if it is in the possession of the City.

## **Part D - PUBLIC ART MANAGEMENT GUIDELINES**

### **4.1 Loans**

- a. Requests for loans from the public art collection by a third party may be considered provided that the borrower guarantees that appropriate standards and terms be met.
- b. At this time, no provision has been made in this policy for the borrowing of works by the City. Loan guidelines will be consistent with the City of Niagara Falls Board of Museum Loans procedures.

### **4.2 Disposition**

- a. Disposition includes both the process of deaccessioning material from the collection and its subsequent disposal or physical removal. No art work will be deaccessioned and disposed of without consultation of the Public Art Advisory Task Force. Members of the Public Art Advisory Task Force and Arts & Culture committee may not purchase de-accessioned public art.
- b. Criteria for deaccessioning includes:
  - condition of art work and/or cost of maintenance/conservation;
  - current location of art work is no longer suitable or available;
  - nominated “life span” has expired;
  - art work does not meet the terms of the policy;
  - suitability to the collection;
  - loss of artistic integrity;
  - long term implications including legal ramifications.
- c. Disposal of art work can include any one of the following:
  - return to the donor or artist, or offered to the family if donor or artist is deceased at fair market value;
  - offer of gift or trade to another cultural institution;
  - sale with the proceeds used for maintenance or collection development;
  - destruction of the work with appropriate notification.

### **4.3 Inventory**

All art work is to be catalogued and included in the inventory along with all information on installation, maintenance schedule, correspondence, contractual agreements and research.

### **4.4 Documentation**

All works will be entered in a permanent computerized register which will comprise the art collection database. All documentation is a matter of public record. Venues for public access to the database will be developed.

#### **4.5 Research**

Research provides a greater understanding and appreciation of the works in the collection and to the development of Canadian art. Research may be conducted in the following areas:

- history and provenance of the existing works of art in the collection;
- history and provenance on potential acquisitions;
- biographical information on artists;
- background information for program development.

#### **4.6 Care/Conservation**

- a. The public art collection should be maintained in good condition and, where relevant, the surroundings related to the outdoor component of the collection in a manner which:
  - is consistent with the design intent of the work;
  - does not significantly alter the intended perception of the work by viewers;
  - is in accord with instructions from the artist where applicable.
- b. The physical management of the art collection comprise its care and handling, maintenance, monitoring its condition and the recognition for conservation treatment when required. Appropriate measures should be developed to achieve this including:
  - provisions for proper upkeep, maintenance and security including the requirement for cost planning and identification of needs;
  - preparation of Condition Reports for all new acquisitions, prior to installation or display, during regular inventories and when any damage occurs or is noticed;
  - establishing a regular maintenance schedule based on the nature and needs of the art work;
  - the handling of all art work in a manner conducive to ensuring its safety and recognized as proper handling techniques;
  - arranging for conservation and/or restoration treatment as required to be undertaken by a professional Conservator and when possible at a level of minimum intervention.

#### **4.7 Promotion**

Strategies to promote public awareness and access to the art collection can include:

- appropriate acknowledgment of the art work i.e. labels and signage;
- programs, tours and other activities based on the collection;
- a range of brochures and publications.