



Art in Public Places Policy

Appleton Public Arts Committee

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INTRODUCTION

This document serves as the policy to oversee the public display of art placed on publicly owned property and to serve as the road map to decisions made in relation to public art in the City of Appleton. This policy will also define the types of public art, how pieces will be chosen, approval and review process, the maintenance of each piece and the process for deaccession of the artwork. The review process is expected to take approximately 6 to 8 weeks, dependent upon project variables and meeting schedules. This policy does not apply to artwork on private property.

What is Public Art?

Public art is any work of art or element of design that is sited in or on property that is publicly owned or controlled by the City of Appleton (parks, buildings, right-of-ways, etc.) for people to experience. Public art pieces can be either privately owned by the artist or other entity or publicly owned by the City, but will be sited on public property. Ownership will be dependent upon each individual project.

For the purposes of this policy, Public Property is defined as *a building and/or land owned and controlled and/or in which the use is operated by the City including fire stations, police station, City Hall, public works and park facilities, library, right-of-way, and the like.*

Why Public Art?

Creative placemaking is a way of creating a special place and creating an identity within the places we frequent. Public art has been used in placemaking for decades and there are countless examples throughout the Fox Cities, State and Country on how the arts have improved the quality of life and enhanced the communities we live in.

Why a Public Arts Committee?

By developing a Public Arts Committee for the City of Appleton, the City can work toward deliberately creating these special places, events and moments. Creation of a Public Arts Committee will establish a more formal way to review and maintain public art, provide another avenue for the promotion of the arts community and show the continued desire to establish the arts as a priority for our community.

Types of Public Art

Public art can take a wide range of forms, sizes, and scales—and can be temporary, seasonal, or permanent. Public art is physical, which can include murals, sculptures, memorials, integrated architectural or landscape architectural work besides street furnishings, community art, digital new media, light pole installations (e.g. banners).

Temporary/Seasonal

Interactive cultural activities, seasonal decorations that recur each year, or objects presented in public space that have a limited duration. Temporary public art is exhibited for 6 months or fewer. Public art may be experienced as a surprise or unanticipated activity so long as Committee and Council approval is obtained in advance. Public art can also be a part of larger or anticipated events such as a festival, parade, or other community event. Temporary public art is transient and may last a day or not more than 6 months. They may take place in one location or move but are not permanently sited.

Examples: Temporary public art can be almost any form; objects such as sculptures or interactive art that are movable; modification to existing structures through wrapping, projecting images or other means.

Integrated Artwork

Fully incorporated into the design of a larger project or existing element in the community. Artists may work directly with the architects or engineers to enhance the qualities and functionality of publicly owned buildings, structures, spaces and/or infrastructure. This policy is not meant to cover conventional building or structural design elements; the policy only applies for unique, “add on” items.

Examples: bridges, retaining walls, walkways, landscaping, exterior building elements (e.g. façade and entrances), etc.

Two and Three - Dimensional Artwork

Two and Three-dimensional artwork has been the most common form of public art and comes in a variety of forms, including, but not limited to:

- Interpretive: Primary purpose is educating the public. The artwork might be self-explanatory or require a panel explaining the project.
- Monument: A statue, building or other structure created to commemorate a famous or notable person or event. They are typically cast in or sculpted from granite, bronze or marble.
- Mural or Mosaic: A painting or other work of art created or mounted on a wall. Media used to create the mural or mosaic can include paint, tile, glass or other found materials.
- Sculpture: Freestanding, physically independent of other site elements. Can consist of a variety of materials, including metals, wood, concrete, fiberglass, landscape, glass, etc.
- Sensory Art: Appeals to the senses – visual, auditory, touch or a combination of these. Can include water features, fountains, interactive sound or touch features, lighting, etc.

APPLETON PUBLIC ARTS COMMITTEE (APAC)

The Appleton Public Arts Committee (APAC) is responsible for implementing the Art in Public Places Policy. The APAC will create recommendations for the appropriate committee of jurisdiction based upon the proposed project/request. The recommendations will be forwarded to the Common Council to further the City of Appleton’s commitment to the promotion, creation and maintenance of public art as defined in this policy. The Public Arts Committee is a volunteer committee that works to support the goals and strategies for increasing the prevalence of public art and placemaking. It is important to understand that members will serve in an advisory capacity to the committees of jurisdiction.

The Committee will be made up of no more than 7 members that are appointed by the mayor and will have staggered terms of service. The Mayor will also appoint the chair of this committee.

The Community Development Committee (CDC) will be the committee of jurisdiction to the APAC concerning the Art in Public Places Policy, committee budget, other policies and procedures applicable to the APAC. The APAC will also provide a report/summary of current project and initiatives to the CDC as requested by the CDC.

Goals/Focus Areas

1. Support the arts and cultural opportunities as identified in the City’s Comprehensive Plan
2. Serve as a forum to receive proposals, review for compliance with City policies and make recommendations regarding the maintenance and deaccession expectations.
3. Advocate for the arts by advising on policies and plans of the City, and by seeking non-City public and private resources to advance the work of the Public Art Committee.

4. Analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.
5. Increase public awareness, appreciation and contribution of public art.
6. Foster artistic creativity in the community and broaden public participation in the planning and creation of public artworks.
7. Review and update the arts inventory.

Funding Sources

An ongoing funding source is yet to be determined for Appleton Public Arts Committee projects, but will need to be a decision made by the City's elected officials. Some funding options could include a potential annual budget allowance, fundraising, private donations, grants and/or allocations from public projects.

PUBLIC ART GUIDELINES

Note: These guidelines are a dynamic, working document that will be reviewed periodically by the APAC and amended as needed.

Specific criteria are needed to evaluate the location and appropriate type of public art projects sponsored by the City. Proposed public artwork shall be reviewed by the APAC. The typical approval process will include a recommendation by APAC to the applicable committee of jurisdiction based upon the specific project. The committee of jurisdiction will then make a recommendation to the Common Council.

For a City-commissioned project or set of projects, the APAC will establish a formal selection process, seeking a range of choices appropriate for each project. City Staff and the APAC should first articulate the desired goals, nature, budget and any other special requirements for each project. A Request of Proposals or Request for Qualifications may then be issued.

Proposed public art will be evaluated on the following:

- Goals and Objectives. Each project should satisfy some of the goals and objectives as established by this policy, the City's Comprehensive Plan and other applicable plans and policies.
- Context. The architectural, historical, geographical, geological and socio-cultural context of the site where the artwork will be installed or displayed.
- Structural Soundness. The resistance to theft, vandalism, weathering and/or excessive maintenance or repair costs.
- Public Safety. Artwork shall not present a hazard to public safety.
- Diversity. Rather than one kind of artwork, a range of styles, scale and approaches to public art should be considered.
- Feasibility. Evidence of the artist's ability to successfully complete the work as proposed including: project budget, timeline, artist's experience, soundness of materials and construction and design guidelines.
- Donor conditions (if applicable).
- Budget (if applicable). Proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, installation and maintenance.
- Installation. Applicable engineering and structural requirements for the installation must be provided.

Guidelines for Accepted Artwork

The APAC shall make recommendations regarding any contingencies upon the acceptance of artwork. These contingencies and applicable agreements may vary widely dependent upon the type of artwork and will need to be flexible and customized for each project.

- After the decision is made to accept a piece of artwork, the applicant is informed and a contractual agreement is drafted setting forth the length of time the artwork will be displayed and other terms such as location, maintenance requirements and responsibility, insurance, value of the artwork, installation and removal responsibility, payment schedule (if applicable) and other conditions pertinent to the agreement.
- Final acceptance of the artwork is contingent upon the discretion of the Common Council, consistent with the criteria in this policy.

Installation

A plan for installation, including structural and engineering information, shall be provided with application and prior to any work commencing. A plan to show any necessary safety barriers around the perimeter of the work area during installation shall also be provided. In most instances, no City assets or resources should be used to install proposed artwork that is not owned by the City. Within 10 days of the public art installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

Maintenance

Whether integrated into building construction or standing alone in a public park or right of way, each work requires routine maintenance such as cleaning or trimming weeds, as well as long-term repair such as sealing cracks, fabricating and re-attaching a broken piece or outright replacement. Each public art project should have a maintenance plan and agreement that is prepared as part of the commissioning or acquisition process.

Maintenance for sculptures that are owned by or donated to the City will be the responsibility of the City. The artist should provide the City with information regarding anticipated maintenance needs for the artwork.

Insurance

When artwork is installed by a party other than the City and/or the artwork will not be owned by the City, the applicant is required to provide a Certificate of Insurance meeting the minimum liability requirements as set forth in Exhibit IR 6.1 – Applicant/s – Art in Public Places.

Deaccession & Relocation of Artwork

The City of Appleton will retain the right to relocate or deaccession any public artwork, regardless of the source of funding or method of acquisition. While the intent of acquisition is for long-term public display, circumstances and/or conditions may arise that make it prudent for the City, on behalf of the public interest, to remove an artwork from public display.

Deaccessioning and relocating of artwork may be considered for reasons including, but not limited to:

- The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- The site is being eliminated.
- The site is being altered such that the artwork is no longer compatible with the site.
- The artwork presents a public safety risk.
- The cost of maintaining or updating the artwork's operating technology is cost prohibitive.
- The artwork requires excessive maintenance or has failures of design and workmanship.

- A more suitable location for the artwork has been proposed.
- The artwork no longer meets the goals of the Art in Public Places Policy.

REVIEW PROCEDURES

The Appleton Public Arts Committee will make recommendations regarding the placement or acceptance of public art. Community Development Staff will route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by the Department of Public Works, Attorney’s Office, Parks & Recreation, and Human Resources. The project can also be routed to any other applicable department based upon the project scope. The APAC will be responsible for reviewing the public artwork and making their recommendation to the committee of jurisdiction. The Common Council will make the final determination on whether or not the piece will be placed on publicly owned or controlled property. The review process is expected to take approximately 6 to 8 weeks, dependent upon the project variables and meeting schedules.

Public Art Project Review Team:

- Community Development – compliance with Art in Public Places Policy and other adopted plans and policies; procedural steps required for committee and Common Council action.
- Department of Public Works – review pieces that will be placed within the public right-of-way or on certain structures under the jurisdiction of this department (i.e. parking ramps, utility stations, light poles, etc.).
- Parks & Recreation – review projects that are proposed to be placed within public parks, City property and grounds, trails or City structures/facilities under the jurisdiction of this department.
- Human Resources – insurance and liability review and requirements.
- Attorney’s Office – liability, legal considerations and preparation of applicable documents and agreements.
- Others as determined appropriate by Staff.

Application for Review of Public Art

Any request for the placement of public art requires submittal of a completed application and required supporting materials. The application is available on the City’s website or by contacting the Community Development Department. The application shall be submitted a minimum of 3 weeks prior to the next regularly scheduled Public Arts Committee meeting. All applications must include the following items:

- Brief description of the proposed artwork
- Photos/sketches of proposed work
- Site plan/location map showing location of proposed work
- Reason for choosing the proposed location
- Description of how the work is installed/anchored/attached
- Installation specifications provided by a structural engineer to confirm safety of structure/installation
- Timeline and duration of installation
- How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)
- Description of any associated signage

Review Steps

The procedure outlined below includes the general steps that will be involved when reviewing the placement of public art. Because public artwork can take on many forms, the review process is meant to be flexible and can be adjusted based upon each individual project.

1. An application is submitted to the Community Development Department (CDD). Staff will review the application and confirm receipt of required information.
2. CDD Staff route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by Staff representatives with the Department of Public Works, Attorney's Office, Parks & Recreation and Human Resources. The project can also be routed to any other applicable department based upon the project scope. These representatives shall furnish the CD Staff, in writing, their comments and/or conditions as to whether an application for a public art installation should be approved, conditionally approved or denied.
3. When applicable and per the stipulations listed below, notices will be sent to adjacent property owners at least one week prior to the APAC meeting date.
4. CDD Staff will compile all findings and recommendations and present a Staff Report for the project to APAC for approval/denial of the proposal. Conditions of APAC approval may be required.
5. APAC recommendation will be sent to the committee of jurisdiction for action.
6. Committee of jurisdiction recommendation forwarded to Common Council for final action.
7. Appropriate legal documents and agreements are signed prior to artwork being accepted, constructed or installed. Applicant provides insurance certificate meeting minimum liability requirements.
8. Upon completion of the installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

Notification

All property owners within 100 feet of the proposed public art project will be sent notices. The notices will include the project summary and the APAC meeting date in which the public art project will be discussed. If the proposed public art project is located within an existing City owned park and the nearest private property is more than 100 feet away, notices will not be sent. Notices will not be sent for public art projects located within a City owned or occupied building/structure.

Failure to Comply

No public artwork shall be installed prior to satisfaction of all conditions of approval and the execution of the Public Art Agreement. If public art is installed in violation of the Art in Public Places Policy, the piece shall be immediately removed by the applicant/artist, at their expense. If the applicant does not remove the artwork within the allotted amount of time, the City may remove the artwork and charge the applicant/artist. Any applicant/artist that violates the Art in Public Places Policy may no longer be allowed to install public art on City-owned property.

Public Art Exemptions

The following public art initiatives and/or displays are exempt from review by the Appleton Public Arts Committee and have been previously reviewed and approved by Municipal Services Committee and/or Common Council.

- Annual or previously approved Art events (these require Street Occupancy Permits through DPW):
 - Fiber Rain (Yarn Bombing)
 - Chalk on the Town
 - Paint on the Town
 - Park(ing) Day

- Ice Sculptures
- DPW funded and administered art programs:
 - Snowplow Painting Program
 - Sidewalk Poetry Program
- Other exempted artwork:
 - Mandalas on the Red Ramp
 - Traffic Control Boxes
 - Compassion Manhole Project
 - Marigold Mile and street name signage
 - Installation of free libraries made through CARE Program
 - Painting of Water Street retaining wall
 - Acre of Art – existing pieces only (as of May 2018), future artwork associated with Acre of Art, that are placed on public property, will need proper approvals
 - Wayfinding signs for trails and public parks
 - Existing artwork on/in public property
 - Street Furnishings