

## **BY-LAWS – URBAN COUNTY ARTS REVIEW BOARD**

WITNESSETH: The Urban County Arts Review Board, in order to carry out the general powers conferred upon it by Ordinance No. 209-2004 creating Article XVII of Chapter 2 of the Code of Ordinances of the Lexington-Fayette Urban County Government (“LFUCG”), does hereby adopt the following by-laws to govern its proceedings.

### **ARTICLE 1 – NAME OF BOARD**

The name of the Board for all of Lexington-Fayette Urban County is “The Urban County Arts Review Board of the Lexington-Fayette Urban County Government.”

### **ARTICLE II – PURPOSE**

The Urban County Arts Review Board shall review proposals to place permanent, visual installations in public spaces in order to provide the LFUCG recommendations regarding which artworks should be displayed in public spaces. The Board shall:

- Encourage art in public spaces to expand the community’s experience with public art;
- Review for approval, modification, or rejection works of art proposed for properties owned or leased by the LFUCG;
- Consider the structural and surface integrity, permanence and protection of the artwork against theft, vandalism, weather, and repair costs;
- Review the design, installation and conservation of permanent visual artwork for its aesthetic opportunities as they relate to the visual enhancement of public properties, social and political attitudes, and appropriateness of scale, location, and design. Visual artworks include but are not limited to exterior memorials, monuments, lighting, and sound projects; and,
- Examine proposals for safety.

### **ARTICLE III – AUTHORIZATION**

The authorization for the establishment of this Board is set forth under Article XVII of Chapter 2 of the Code of Ordinances of the LFUCG.

### **Article IV – REVIEW PROCESS**

- A. Any individual, organization, or division of LFUCG that proposes to place a permanent, visual art installation on property owned or controlled by LFUCG shall submit an application to the Board for review in the form supplied by the Board. Applications submitted at least two (2) weeks before the next regularly scheduled meeting shall be heard at such meeting; applications filed thereafter shall be heard at the following regularly scheduled meeting. The Board may call special meetings to review applications in its discretion, in accordance with KRS 61.800, *et seq.*

B. The approval process shall consist of the following steps.

1. Conceptual Design Approval. The Board shall review each properly submitted application at a public meeting and may grant initial design approval upon satisfaction that the proposed art installation, if properly fabricated, installed, and maintained, would be in the best interest of the public when evaluated according to the selection criteria below, and that the applicant possesses or can acquire the requisite skill and resources necessary to fabricate and install the proposed art installation by the proposed installation date.
2. Final Design Approval. The Board may grant final design approval upon satisfaction that the proposed art installation, if properly fabricated, installed, and maintained, would be in the best interest of the public when evaluated according to the selection criteria below, and that:
  - a. The applicant has acquired or produced all plans necessary to begin fabrication and installation of the proposed art installation;
  - b. The applicant has secured all funding necessary to complete the art installation as proposed;
  - c. The applicant has secured all approvals, permits, licenses, or other forms of authorization necessary to fabricate and install the proposed art installation, excluding the approval of LFUCG; and
  - d. The applicant has provided an engineering stamp in accordance with Section (C)(1), below, if required.

The Board's grant of final design approval shall constitute its official recommendation to LFUCG that the proposed art installation be allowed to proceed. The Board may place conditions upon its final design approval, in which case its approval shall be a recommendation that LFUCG allow the proposed art installation to proceed provided the stated conditions are satisfied.

3. Post-Installation Approval. After the art installation has been installed, the applicant shall submit a final written report to the Board in the form provided by the Board, which report shall include (i) a short description of the artwork, (ii) the material of which the artwork is made, (iii) the physical dimensions of the artwork, (iv) the location of the artwork, (v) all ongoing maintenance recommendations for the artwork, (vi) a statement of any way(s) in which the artwork, as installed, differs from the proposal that was approved by the Board at the final design approval stage, and (vii) a statement acknowledging that LFUCG now owns the artwork or, in the alternative, a statement identifying the party that owns the artwork, with supporting documentation. The final written report is due to UCARB staff 30 days after completion of the project. The Board shall consider the written report at its next public meeting following submission and accept or reject the report, or ask the

applicant to provide supplemental information within a reasonable time. If the Board accepts the report, such acceptance shall constitute its recommendation to LFUCG that the project be considered successfully completed. If the Board rejects the report, such rejection shall constitute its recommendation that LFUCG take further action regarding the artwork, and shall be accompanied by a recommendation of what steps LFUCG should take to address concerns with the artwork as installed.

C. When reviewing applications, the Board shall consider the following selection criteria, as provided in Section 2-233 of the LFUCG Code of Ordinances.

1. Public Safety

The Board shall not approve any proposed three dimensional work of art that is at least 3 ft. tall at its highest point unless the applicant has provided an engineering stamp from a licensed engineer verifying that the proposed artwork is structurally sound and safe for public exhibition.

2. Installation and maintenance cost

All applications shall include a full and accurate budget for the proposed art installation, including without limitation proposed funding sources, with verifying documentation, and projected fabrication, installation, and ongoing maintenance costs.

3. Appropriateness of scale, social and physical context and location, in relationship to site

4. Permanence

5. Aesthetic Appropriateness

ARTICLE V– RULES OF ORDER

The rules contained in the current edition of Robert’s Rules of Order Newly Revised, shall govern the Board’s proceedings in all cases to which they are applicable and to all cases where they are not inconsistent with these by-laws or any special order the Board may adopt.

ARTICLE VI– AMENDING BY-LAWS

These by-laws may be amended by the majority vote of the full membership of the Urban County Arts Review Board.