

Selectboard Policy Regarding Artwork in Public Places Policy

Purpose: The Town of Stowe provides limited access to local non-profit arts and culture organizations to display artwork on municipally-owned or controlled property, and within the public right-of-way (collectively, “Public Property”), provided the art is approved in advance by the Selectboard at a duly warned public meeting pursuant to this policy. The Selectboard also reserves for itself the right to acquire, using tax dollars, and display on Public Property any artwork as a form of governmental speech (to which this Policy shall not apply).

For the purposes of this policy, “art” and “artwork” generally mean any form of physical artistic media, including, for example, two-dimensional (2D) work such as print media, painting, video or photography, or three-dimensional (3D) work such as sculpture, artistic installations, or other three-dimensional forms of artwork. Also, for purposes of this policy, “local” shall mean a non-profit whose physical location is within the Town of Stowe.

These uses of Public Property to display artwork are not intended to create a public forum for the display of other artwork without prior Selectboard approval. On the contrary, Public Property, as it relates to the display of artwork, is a non-public forum controlled by the Town. Nothing in this Policy shall be interpreted to preclude the sale or temporary display of art in connection with special events approved by the Selectboard or as may be allowed through the Town’s zoning regulations.

Therefore, the Selectboard adopts the following rules regarding the placement of art on Public Property by local non-profit arts and culture organizations:

Process for Approval:

- Local non-profit art and cultural organizations may submit an application to the Town Manager’s Office to display artwork on Public Property. The applicant shall provide a picture or other visual representation of the proposed artwork, its dimensions, proposed location(s), requested timeline, structural support (if any) and any other information requested by the Town Manager or his/her designee.
- The Town Manager and his/her designee(s) shall review the proposed art for compliance with the standards outlined in this Policy.
- The Town Manager will provide notice to the Stowe Arts & Culture Council that an application has been received and the date it will be placed on the Selectboard’s agenda for their consideration.
- The Town Manager will place the request to display artwork on Public Property on a Selectboard agenda for the Board’s consideration and public input. The Selectboard reserves the right, in connection with the standards outlined in this Policy, to approve, deny, or approve with conditions the placement of any art on Public Property. However, proposed artwork on Public Property shall not be regulated or restricted unreasonably or on the basis of the artist’s viewpoint.

Standards: All artwork proposed for display on Public Property must comply with the following standards:

- The Town retains sole discretion for where any art on Public Property is placed. The following is a non-exclusive list of outdoor locations that the Town has historically made available to local non-profit art and cultural organizations for public art or artwork displays. These locations shall generally be considered permissible for the display of public art unless the use of such location would unreasonable violate any of the criteria in this Policy or the Selectboard, in its sole

discretion, determines that a location is no longer appropriate for such use: The Current lawn, Akeley Building front courtyard, Stowe Recreation Path parking lot lawn area (off Main Street), along the Recreation Path within the easement area or on adjacent publicly-owned land, Village Green on the corner of Park and Main Streets, and the Ski and Snowboard Museum parking lot courtyard area.

- To the extent not otherwise addressed herein, public artwork also shall not: (1) Preclude the primary use of the property (2) create unreasonable environmental impacts, (3) materially damage public property, (4) obstruct the travel portion of any road or public right-of-way, (5) mimic traffic control devices, such as crosswalks, in a manner that would cause vehicular or pedestrian safety to be compromised, (6) interfere with vehicular, pedestrian or fire access (including by those with disabilities), (7) create a safety problem, such as unreasonably blocking motorist or pedestrian visibility. All projects shall be adequately structurally supported and other reasonable measures shall be taken to prevent injury or damage.
- Any art or artwork displayed by a local non-profit art and cultural organization shall include a plaque or other visible document indicating who erected it. No plaque or other documentation accompanying the artwork shall be larger than 11" x 17" unless otherwise approved.
- All artworks shall comply with applicable copyright laws, the Visual Artists Rights Act, and other applicable intellectual property laws.
- No profanity or obscene material shall be included in any proposed artwork.
- No hate or discriminatory speech or symbols or "fighting words" (words which "by their very utterance, inflict injury or tend to incite an immediate breach of the peace") shall be included in any proposed artwork.
- Artwork shall not be designed or located in a way that damages or significantly detracts from another artwork.
- All materials must be used in compliance with all local, State and Federal regulations and according to manufacturer's specifications.
- All artwork on Public Property shall be installed for a fixed period of time, not to exceed six (6) months, unless otherwise agreed to be extended by the Selectboard. The Selectboard shall make a final determination as to how long a project may remain on Public Property.
- The applicant/sponsor of the artwork shall be responsible for all ongoing maintenance, including, but not limited to, touch-ups and graffiti removal at the discretion of the artist.
- Unless the Selectboard, in its discretion, provides otherwise, the non-profit arts and cultural organization shall provide the Town of Stowe with a certificate of insurance demonstrating that it has in place at least \$1 million dollars of general liability and property insurance coverage, which coverage shall be maintained throughout the duration of time that the art is erected and displayed on Public Property. Such insurance shall name the Town as an additional insured.
- The Town shall not be responsible for any personal injury, property damage (including death) to any person or injury, vandalism or theft to or of the art itself. All parties submitting an application to display art on Public Property agree to defend, indemnify and hold harmless the Town of Stowe, its elected and appointed officials, managers, board and committee members, officers and employees, from and against all liability, claims, demands, suits, actions and judgements, of any kind whatsoever, on account of loss, damage, or injury, including death, to any person(s) or property which may arise out of or are in any manner connected with the installation, display, maintenance and removal of the artwork on Public Property, including claims involving the art or the structures on which such art is mounted and/or attached falling on people or property.

Installation: Following Selectboard approval, the applicant shall coordinate with the Stowe Public Works Department for the installation of any sculptures on Public Property. All other artworks shall be coordinated by and through the Town Manager or his/her designee. The cost of installation shall be the responsibility of the applicant, including but not limited to the cost of any traffic control, unless such cost is otherwise expressly excluded by the Selectboard. Also, the Town Manger may approve the use of municipal staff to assist with traffic control provided it does not unreasonably interfere with their other duties. The applicant shall be responsible for any property damage during the installation or removal of the sculpture or other art.

Reservation of Rights; Revocation: At any time, the Town, through its Emergency Management Director, Town Manager or his/her designees reserves the right to remove or require the removal, on a temporary or permanent basis, of any sculpture or other artwork for emergency or other public health, welfare or safety purposes, including in conjunction with any public works project. The Town, acting through the Town Manager, also reserves the right, without penalty or cost to the Town, to revoke permission to display artwork on Public Property for non-compliance with this Policy or for violation of any reasonable conditions imposed by the Selectboard.