

**Town of Basalt
Ordinance No. 03
Series of 2016**

**AN ORDINANCE OF THE TOWN OF BASALT, COLORADO, AMENDING CHAPTER
4, REVENUE AND FINANCE, OF THE BASALT MUNICIPAL CODE TO ADD A NEW
ARTICLE VIII ESTABLISHING A ONE PERCENT FOR THE ARTS PROGRAM.**

RECITALS:

A. The Town of Basalt recognizes and accepts responsibility for public art in public areas. The Town Council has found that such enhancement adds greatly to the enhancement of the quality of life of Basalt's citizens, attracts tourism, and provides incentives to business to locate in the Town, thereby expanding Basalt's economic base.

B. The Town of Basalt established the Basalt Public Arts Commission in part to help make the case for new resources when necessary to fulfill the goals for public arts within the Town.

C. The Basalt Public Arts Commission unanimously recommended on October 19, 2015 that the Town Council adopt an ordinance establishing the 1% Public Arts Program.

D. Town Council accepts the recommendation of the Basalt Public Arts Commission and supports the imposition of a 1% for Public Art Program.

E. At a public meeting held on January 12, 2016, the Town Council considered the following addition to Chapter 4 of the Municipal Code of the Town on first reading and scheduled a public hearing and second reading for the ordinance for January 26, 2016, at a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

F. At a public hearing and second reading on January 26, 2016, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Basalt, Colorado, as follows:

1. Chapter 4 of the Town of Basalt Municipal Code is amended to add a new Article VIII to read as follows:

ARTICLE VIII

Public Arts Program

Sec 4- 131. Intent.

The purpose of this Article is to establish a public art program, provide for its funding and establish responsibilities relating to administering the Town's public art program.

The Town of Basalt recognizes and accepts responsibility for public art in public areas. The Town Council has found that such enhancement adds greatly to the enhancement of the quality of life of Basalt's citizens, attracts tourism, and provides incentives to business to locate in the Town, thereby expanding Basalt's economic base.

Section 4-132. Definitions.

A. "Public art" includes murals, paintings, glass, fiber, fountains, arches, frescoes, mosaics, mobiles, photographs, drawings, prints, crafts, sculpture, memorials, integrated-architectural or landscape-architectural work, community art, digital new media, and performances and festivals. It can take a wide range of forms, sizes, and scales, and can be temporary or permanent. It may be created in response to this place and community, interpreting the history of the place, its people, and perhaps addressing a social or environmental issue. Free and accessible to everyone, it may be created in collaboration with the community.

B. "Town" is the Town of Basalt.

C. "Construction Cost" is the contracted sum for construction of the designated project including any change orders. Construction costs do not include costs such as professional fees, cost of land, and rights of way.

D. "Construction Project" means any capital improvement project paid wholly or in part by the Town of Basalt to construct or remodel any public or Town building, structure, park or any portion thereof.

E. "Public Art Trust Fund" is a funding mechanism that aggregates portions of the individual private, site-specific One Percent for Art requirement and redistributes these funds to promote, finance and maintain public art projects throughout the Town. This money is limited to not more than twenty percent (20%) of the original one percent (1%) per project allocation unless this is waived by the Town Council for small projects.

F. "Basalt Public Art Commission (PAC)" is a Commission created in 2015 by the Town of Basalt as a standing Town Commission designated to review, advocate and develop public art projects in the public domain for the Town of Basalt. It will develop a formal structure in which to create, develop, acquire, and maintain public art as well as further public accessibility to the arts.

G. "Maintenance" is the periodic work on a facility required to maintain its original functionality.

h.. "Remodel" is work required to substantially change or enhance the functionality of a facility.

Section 4- 133. Imposition of 1% Public Arts Requirement.

It is hereby declared to be the policy of the Town of Basalt to allocate one percent (1%) of eligible construction costs of Town capital improvement projects paid wholly or in part by the Town of Basalt to construct or remodel any public or Town building, structure, park or any portion thereof to be allocated for public art. No less than eighty percent (80%) of this one percent (1%) will be used for public art. No more than twenty percent (20%) will be deposited in a Public Art Trust Fund used for maintenance and administration of public art.

The Town Council may reduce or eliminate the requirement that 1% of eligible construction costs of Town capital improvement projects be allocated for public art when it approves a specific project if the Town Manager demonstrates to the Council's satisfaction that the capital project is only feasible without the set aside or portion thereof.

Section 4-134. One Percent for Art Program established.

There is hereby established a One Percent for Art Program. The Town Manager is responsible for implementing the program. The Town Council is responsible for appropriating the funds after advice and recommendation from the Basalt Public Arts Commission.

The One Percent for Art Program focuses on the outside and the inside of new and remodeled Town owned public spaces. The art may serve a function, express a theme, or commemorate an important person. It may underscore or provide a counterpoint to the architecture and surrounding site. It may serve as a landmark that adds definition to the Town of Basalt.

The One Percent for Art Program shall be implemented without discrimination based on race, religion, gender, sexual orientation, marital status, color, national origin, ancestry, or creed.

Section 4-135. Exemptions from the One Percent for Art Program.

Public repair and maintenance projects are exempt from the One Percent-for-Art requirements. However, this exemption does not preclude the Town from proposing and including funding for art as part of these types of project.

2. The effective date of this Ordinance shall be 15 days after final publication.

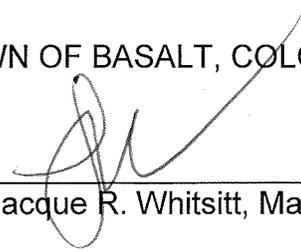
3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof.

INTRODUCED, READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON January 26, 2016, by a vote of 7 to 0, on January 12, 2016.

READ ON SECOND READING AND ADOPTED AFTER PUBLIC HEARING, AND ORDERED PUBLISHED, by a vote of 5 to 0, on January 26, 2016.

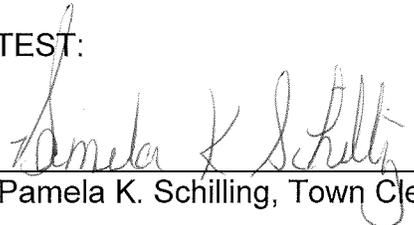
TOWN OF BASALT, COLORADO

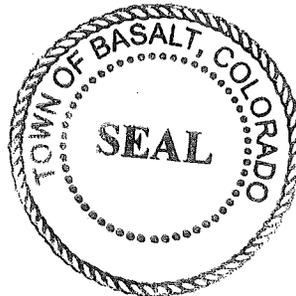
By


Jacquie R. Whitsitt, Mayor

ATTEST:

By


Pamela K. Schilling, Town Clerk



First Publication: Thursday, January 21, 2016
Final Publication: Thursday, February 4, 2016
Effective date: Thursday, February 18, 2016