

City of South Portland
Policy on Artwork and Monuments on Public Property

Section 1. Purpose.

The purpose of this Policy is to establish clear guidelines in determining where and how to allow artwork and monuments to be placed on public property to ensure they are sited appropriately and do not infringe on public use and safety of the property.

Section 2. Definitions.

Artwork means a temporary or permanent piece of art, such as, but not limited to, a sculpture, created by an artist(s) and is designed, located, installed and maintained in accordance with this Policy.

Monument means a structure, such as, but not limited to, a statue or plaque, erected to commemorate a notable person or event, and is designed, located, installed and maintained in accordance with this Policy.

Public Property means any land, structures, and buildings owned or leased by the City of South Portland, excluding property under the care and custody of the School Department pursuant to State law.

Section 3. Policy.

It is the policy of the City that Artwork and Monuments be installed and maintained on Public Property in conformance with this Policy and local ordinances. Such Artwork and Monuments are not intended to serve as a forum for free expression by the public. While the City may consider requests from members of the public to install monuments or specific pieces of Artwork, these items shall be installed and maintained only as an expression of the City's official sentiments as evidenced by majority vote of the members of the City Council.

Section 4. Procedure.

- (a) Requests for the installation of Artwork or Monuments may be initiated by City Councilors, the City Manager, or any member of the public. Such requests shall, at a minimum, include:
- A general overview of the purpose of the work;
 - The artistic format or medium to be employed, including draft drawings or renderings of the proposed Artwork or Monument;
 - Any wording to be included, if applicable;
 - The proposed location;
 - Funding plan, including whether there is a request for City financial support;
 - Who will perform the installation; and

- The project timeline.

These requests shall be made to the City Manager.

- (b) Upon a review of the request for completeness, the City Manager shall forward it to the Fire Chief, Police Chief, Code Enforcement Director, and Public Works Director to obtain their comments and recommendations. It shall also be forwarded to the Facilities Director if involving a public building or appurtenance, or the Parks and Recreation Director if involving public land, for their comments and recommendations.
- (c) Once the City Manager has received responses from the above-referenced City officials, they shall forward the request and staff members' comments/recommendations to the Public Arts Committee (or, in the absence of such an entity, the City Manager shall create a working group to include up to three relevant staff members and at least two South Portland residents who have experience with Artwork and/or historical works). The committee shall then review the design and proposed location to determine whether they are appropriate. In making the decision, the committee shall take into consideration the guidelines specified in Section 5.
- (d) The committee's recommendation shall be forwarded to the City Manager, who will then place the matter on a City Council agenda for action within 45 days. All Artwork and Monument installations must be approved by the City Council by adoption of an order prior to installation. Notwithstanding any provision of the City Council's Standing Rules to the contrary, no City Council workshop is required prior to the adoption of an order relating to the installation of Artwork or a Monument. Artwork or Monuments requiring City funding that have not already been appropriated shall not be installed unless and until the City Council allocates funding for such during the next budget cycle. Artwork or Monuments not requiring City funding shall be allowed to proceed.
- (e) If City employees are to install the Artwork or Monument, such installation shall occur as soon as practicable but so as to not materially interfere with the employees' normal duties, as determined in the sole discretion of the Public Works Director.

Section 5. Design, Location, Materials and Installation.

Artwork and Monuments may be considered for approval by the City Council when designed, located, installed, and maintained in accordance with the following criteria.

- (a) General Criteria Applicable to Both Artwork and Monuments.
 - (1) The Artwork or Monument shall not present a safety hazard to the public and must meet applicable federal and State laws, as well as local ordinances.

- (2) The Artwork or Monument must be able to be maintained within the existing staffing and financial resources of the City. The structural and surface soundness of the work of art or monument and its inherent resistance to theft, vandalism, and weathering, and the repair costs that would be necessary to repair damage to or deterioration of the structure must all be adequate. Structures requiring extraordinary maintenance, including, but not limited to, periodic adjustment, repainting, repair, or replacement of moving parts shall not be preferred.
 - (3) The Artwork or Monument project must be demonstrated to be financially viable.
- (b) Artwork-Specific Criteria.
- (1) The Artwork enriches the architectural, historical, geographical, and/or socio-cultural context of the site, including scale, material, form, and content.
 - (2) The Artwork's concept is unique and its craftsmanship is of exceptional quality and enduring value.
 - (3) The siting of the Artwork is appropriate and does not detract from the beauty, enjoyment, or use of the public land or building.
- (c) Monument-Specific Criteria.
- (1) The Monument relates to persons or events recognized by the public as of sufficient significance to the community or its history as to warrant a public presence.
 - (2) The Monument has a direct relationship with South Portland residents' history and community.
 - (3) In the case of individuals, a person to be honored should have been deceased a sufficient length of time in the past, generally at least twenty (20) years, for their ideas, services, accomplishments, and/or contributions to be placed in an accurate and meaningfully interpreted historical perspective.
 - (4) The proposed Monument is of artistic merit and the artistic theme is suitable to the subject matter.
 - (5) The proposed location is of relevance to the Monument, if applicable, and will not detract from the existing beauty, enjoyment, or use of the public land or building.
 - (6) The documentation provided to support the factual background on which the case has been built for erecting the Monument is adequate.

Section 6. Ownership, Maintenance, and Liability.

- (a) The applicable Department Director shall obtain the necessary approvals and permits prior to the installation of the Artwork or Monument.

- (b) All permanent Artwork and Monuments shall become the property of the City of South Portland. The Parks and Recreation Department (if on public land) or the Facilities Department (if on a public building) shall be responsible for its reasonable care and maintenance. The City shall add the Artwork or Monument to its insurance coverage and, in the event of significant damage, shall endeavor to repair or replace it.
- (c) All temporary Artwork and Monuments shall remain the property of the donating party and the care and maintenance of such shall be subject to a separate agreement between the City and the owner.
- (d) If a party other than the City will install the Artwork or Monument, the City must be provided with proof of valid and sufficient comprehensive general liability insurance coverage, as determined by the City Manager.

Section 7. Deaccession of Public Artwork and Monument Relocation/Removal.

- (a) The City Council may at any time and for any reason vote to remove or relocate Artwork on Public Property. In addition, the City Manager, based on a recommendation from the applicable Department Director, may remove or relocate Artwork without any vote of the City Council if one or more of the following conditions are met:
 - The Artwork poses a safety hazard to the public or environment;
 - The Artwork has become damaged or deteriorated to such an extent that the aesthetic and/or structural restoration of the work is not feasible, or the expense of such restoration would be disproportionate to the value of Artwork;
 - The architectural support (*i.e.*, building, wall, or streetscape) for the Artwork is to be destroyed, unless the work can be relocated;
 - The Artwork materially interferes with the use of the Public Property; or
 - The use of the site where the Artwork is located has so changed, or is proposed to change in such a manner, that it is no longer compatible with the work of art.
- (b) The City Council may at any time and for any reason vote to remove or relocate Monuments on Public Property. In addition, the City Manager, based on a recommendation from the applicable Department Director, may remove or relocate Monuments without any vote of the City Council if one or more of the conditions listed above for Artwork are met. In the event of Monument removal, the City Manager shall be authorized to offer the Monument back to the original donor, group, or family associated with the Monument. In the event of Monument relocation, the applicable Department Director shall work in good faith with the donor, group, or family associated with the Monument or Artwork to find an alternative location for it. The Department Director will then refer this recommendation to the City Manager for approval.

- (c) Artwork and Monuments shall be disposed of in the same manner as other City property.

Section 8. Applicability.

This Policy shall not apply to:

- (a) Monuments erected in buildings or on equipment or on public property recognizing groups and individuals involved in the design, construction, and/or funding of said building or equipment. For example, this Policy does not apply to plaques commemorating the members of the City Council who authorized a (successful) bond question for the construction of a building, the committee members involved in the planning and design (if any), relevant staff members, relevant members of the public, and relevant contractors.
- (b) Requests for Proposals issued by the City to procure Artwork or Monuments.
- (c) The display of photographs of former South Portland mayors and city managers at City Hall.
- (d) Signage or notices installed by City departments that are not Artwork or Monuments.
- (e) Monuments installed by City staff related to their department's duties. For example, the Policy does not apply to informational markers such as but not limited to those indicating the level of the highest recorded tides at a certain location.
- (f) Temporary Artwork displays associated with an duly permitted event.

Amended and Adopted: February 6, 2024