



Village of Fruitport - Public Art Policy

In support of promoting public art in the Village of Fruitport, this document outlines the policy that facilitates the development of public art throughout the Village. This policy is intended to regulate the following forms of public art in the Village of Fruitport

- Long-term placement of publicly owned art
- Short-term placement of art
- Street art

Long-term placement of publicly-owned art

The acceptance of ownership and *long-term* placement (more than one month) of gifts of works of public art and memorials shall be subject to the following criteria:

- The work supports a high standard of visual aesthetics on public property.
- The materials used in, placement of, and financial arrangements for the work shall minimize the cost and any detrimental impact upon Village operations which may result from accepting, placing, and maintaining the work.
- The work shall be placed and maintained in a way that preserves the primary intended use and does not detrimentally affect the character of the public space in which it is placed.
- The relationship of the work to the site and community must enhance the public space. The art will need to activate or enhance the public space and be of an appropriate scale related to its location/placement. The artwork must not interfere with or deter from the view, aesthetic, and enjoyment of nearby public works of art.
- To the extent reasonably practicable, the work should be accessible to all persons. Artworks displayed in interior public spaces should be publicly accessible at least during normal building operating hours *without* obtaining special passes or permits to view them.
- Memorials to be erected on Village-owned property shall be in remembrance of a person or persons, concept, or event that has a positive meaningful significance to the Village of Fruitport community.
- The work and its placement shall not endanger the public health, safety, or welfare. Specifically, it shall:
- Be structurally sound and durable enough to withstand the elements and other conditions to which it may be subjected.
 - Not adversely affect nearby utilities, facilities, or infrastructure.
 - Not impair pedestrian, bicycle, or vehicular traffic safety; and
 - Not adversely affect the physical conditions of the site on which the piece is located by causing erosion, corrosion, hazardous runoff, unduly increase maintenance costs, etc.
- The work or its display shall comply with all other applicable laws, rules, regulations, Village policies, contractual requirements, and grant requirements, and shall not void or invalidate any warranties or guarantees applicable to village owned improvements, structures, facilities or equipment.
- The work shall not display political, religious, or commercial messages



- The work shall not be altered in any way, including incorporating it into holiday decorations, without prior approval of the Village of Fruitport Council.

Short-term placement of art

The *short-term* placement (less than one month) of art and memorials placed in public rights-of-way shall generally be subject to the same criteria as *long-term* placement. However, because such exhibitions or displays are temporary, strict adherence to all those criteria may not be necessary. For example, the durability and arrangements for maintenance are not as significant because the work will be removed at the end of an event. An agreement must be made with the City to remove the artwork at the agreed upon date. The agreement must outline who is responsible for the cost and actual removal of the piece.

Street art

Street art includes the addition of pictures or decorative flourishes to components of City rights-of-way, including sidewalks, crosswalks, intersections, parking spaces, street lighting and traffic signal facilities, utility facilities, pathways, and other public spaces and infrastructure.

Consideration of street art shall be subject to the following in addition to that listed for *short-term placement of art*:

- It shall not result in the violation or breach of any federal or state laws, guidance, interpretations, letters, and regulations including, but not limited to, the Michigan Manual of Uniform Traffic Control Devices and documents from Federal Highway Administration. Compliance with local laws, City codes and policies, rules, guidelines, grants, or contracts shall also be required.
- Displays shall not resemble a type of traffic sign or control device (e.g. arrows, letters/words, numbers); conflict with traffic markings; or be directly proximate to, or interfere with, a traffic control device (e.g. crosswalks).
- Placement shall not impede traffic or cause any traffic concerns.
- The art shall not shorten the useful life of or increase maintenance costs of any equipment, facilities, or other City property, and shall not void or invalidate any warranties or guarantees applicable to City-owned improvements, structures, facilities or equipment.
- The City retains the right to alter, repair, move or relocate any street art, or authorize said work by others, if deemed necessary for the health and safety of the public, general or emergency maintenance of facilities, construction activities, or any other purpose deemed necessary. The City need not notify the original applicant or any other party when street art will be altered, repaired, removed or relocated.
- The work shall not display political, religious, or commercial messages.

Proposals & Approvals

Proposals for temporary and permanent placements and for village ownership of Public Art shall be reviewed by the Planning Commission and approved by the Village council of Fruitport. The Village Council of Fruitport President shall consult such Village staff and outside persons as the Village President deems necessary or appropriate. The Village Council of Fruitport shall keep written records of proposals and actions on proposals, including the person(s) consulted regarding proposals and the reasons for the



actions taken. The Village council of Fruitport may give approvals contingent upon the following conditions which shall be agreed upon in writing with the donor.

- The donor assumes responsibility, including any costs, for the installation of the work.
- Works intended to be a permanent installation must include proper engineering documentation.
- Ownership of the work, including certain rights under federal law, is relinquished to the Village.
- The donor provides any insurance required by the Village Council.
- The Village Council retains the right to alter, repair, remove or relocate any piece if the use of the site changes or if deemed necessary for the health and safety of the public. Should the piece be removed, the council will attempt to return it to the donor or artist if requested and of reasonable cost.
- Any warranty applicable to the work or its installation shall be in the name of, assigned to, or otherwise be enforceable by the Council.
- Financial arrangements or assurances must be made to avoid any lingering adverse impacts and to address any damage to or additional maintenance costs for any affected village property. A security deposit, bond, or other security deemed appropriate by the Village Council may be required.

Decommissioning

The village of Fruitport council may decommission artwork in the village's collection when the village council determines it is in the best interest of the village. When considering any decommissioning, the village council shall consult with the same village staff and outside experts as the village council normally consults with for a recommendation. The village's sale of any Public Artwork shall require the approval of the village council of Fruitport.

Maintenance

Just as streets, parks, and buildings need to be maintained, public art cannot remain in its original condition without maintenance. A plan is required for all artwork, no matter the size, and the artist(s) are required to submit guidelines on the upkeep, maintenance, and material details of their work before the commission is completed. Depending on the complexity of the maintenance, the work can be performed by a trained Village employee or through contract with an entity or individual with proven experience in the type of maintenance needed.

Public Art Policy adopted 7-9-2024 by Village of Fruitport Planning Commission.

Public Art Policy adopted 7-15-2024 by Village of Fruitport Council.