



North Grenville



Public Art Policy

November 2024

Table of Contents

SECTION 1 – PURPOSE AND SCOPE..... 1

1.1 PURPOSE 1

1.2 PRINCIPLES 1

1.3 STRATEGIC FOCUS AREAS..... 1

1.4 SCOPE AND USE..... 2

1.5 MUNICIPALITY AUTHORITY AND EXCEPTIONS..... 3

SECTION 2 – ADMINISTRATION 3

2.1 GENERAL ADMINISTRATION..... 3

2.2 CONTRACT TERMS FOR ARTISTS..... 4

2.3 CONTRACT TERMS FOR PROPERTY OWNERS 4

2.4 REMUNERATION 4

2.5 COLLECTION MANAGEMENT 4

2.6 COLLECTION MAINTENANCE AND DOCUMENTATION 5

2.7 DECOMMISSIONING OF ARTWORK..... 5

SECTION 3 – COMMITTEE AND FUNDING 6

3.1 PUBLIC ART ADVISORY COMMITTEE (PAAC)..... 6

3.2 FUNDING 6

3.3 MUNICIPALLY OWNED PUBLIC ART SITES 6

3.4 PROJECT AND SITE SELECTION 7

3.5 PRIVATE DEVELOPMENT PUBLIC ART..... 7

SECTION 4 – DEFINITIONS 7

SECTION 5 – REFERENCES..... 9

SECTION 1 – PURPOSE AND SCOPE

1.1 PURPOSE

The Municipality of North Grenville's Public Art Policy serves as a guiding document for Council, staff, the arts community, with its primary objectives as follows:

- i. Facilitating the commissioning, acquisition, and management of public art in municipally owned spaces or on municipally owned land.
- ii. Establishing a framework for privately owned public art on privately owned commercial and residential property.
- iii. Ensure that the Arts & Culture Development Fund and stewardship mechanism align with the Municipality's commitment to fostering and supporting community public art.
- iv. Providing guidance to the public on the purpose, processes, with regard to public art in North Grenville.

1.2 PRINCIPLES

The Public Art Policy ensures that Public Art is:

- i. selected through a competitive process that is fair, consistent, and transparent.
- ii. contributes to and enhances the Municipality's unique history, culture, land, and building scape.
- iii. represents a variety of professional artistic expressions and practices that emphasize innovation, aesthetic, and technical merit.
- iv. a catalyst for community engagement, activation, tourism, and partnerships.
- v. accessible to all and encouraged throughout the Municipality.
- vi. planned for and integrated into all departments within the Municipality, where appropriate.

1.3 STRATEGIC FOCUS AREAS

As such, the Public Art Program for North Grenville encompasses five key areas:

Public Art Capital Projects

Capital Projects include those commissioned and maintained by the municipality, or those commissioned by community members to be installed on or in municipal property or facilities and would become a piece of the Municipality's Collection. Such installations must be vetted through and recommended by the Arts, Culture and Heritage Advisory Committee and approved by Council.

Art in Public Places

The Municipality will create opportunities to foster diverse cultural expression in municipal owned spaces, public areas and neighborhoods by commissioning and displaying public artwork in various art forms, including temporary art, street art (including crosswalks and or commissioned graffiti) and private public art donations.

Community Arts, Public Engagement and Education

Involving the local community will help shape the Municipality's commitment to fostering place-making throughout the Municipality. Residents will be encouraged to actively participate in public and community arts initiatives through attendance on the advisory committee, artistic creation, public consultations, educational activities, and promotional efforts.

Developing Artists and the Arts and Cultural Sector thru the role and Mandate of an Arts council

Fostering the growth of local artists, curators, and cultural workers through training programs, mentorships, and workshops for emerging artists across diverse disciplines. This aims to enhance the quality, frequency, and diversity in cultural programs. In turn, this will support employment opportunities for the cultural sector and help to retain working professional artists within the Municipality.

Public Art Inclusion Program

Promoting the integration of public art into major building developments by infusing the concept in urban design and land use planning procedures. Municipal staff will leverage existing and explore new planning tools that support the inclusion of public art in development projects.

1.4 SCOPE AND USE

The scope of this Public Art policy encompasses the following principles:

- i. the Policy shall not be interpreted in a manner that exempts any individual(s) from fulfilling the obligations set forth in any Municipality of North Grenvilles' By-law, any Provincial or Canadian law, or from acquiring any necessary license, consent, permit, authorization or approval mandated by this or any other Corporation By-law, unless explicitly specified otherwise herein.
- ii. the Public Art Policy supersedes all other policies, arrangements, installed by the Municipality prior to the date of enactment of this Policy.
- iii. the Public Art Policy should be taken into consideration by all commercial and residential property owners who wish to include, display, and/or commission Public Art on their property.
- iv. the Public Art Policy does not include:
 - Art exhibitions and presentations held within galleries, museums, or traveling exhibitions under the management of the Municipality of North Grenville.
 - Special events, festivals, and temporary art installations on private property.
 - Management of any archaeological, archival, historical, and museum collection or

exhibition under the Municipality's care.

- Commemorations and memorials not commissioned or created by artists and not situated in municipal public spaces.
- General graffiti removal and its management.
- Art initiatives curated or installed on privately owned property, unless funded in whole or in part by the municipality
- Public Art installed on leased property or licensed to third parties. These works are the responsibility of the occupying organization or individual(s).

1.5 MUNICIPALITY AUTHORITY AND EXCEPTIONS

- i. All submissions for commissioned Public Art must comply with the stipulations set forth by the Municipality of North Grenville, the Ontario Building Code, the Ontario Fire Code, and the Municipality's Building By-law, along with any other pertinent Municipality By-law.
- ii. The Municipality reserves the right to terminate any Public Art project at its discretion, should it be deemed unsafe, inappropriate, detrimental to the Municipality's reputation, or not representing the artist's originally proposed concept as approved by the Municipality. In such an exceptional circumstance, the artist(s) would be responsible for remediation of the site at their own expense.

SECTION 2 – ADMINISTRATION

2.1 GENERAL ADMINISTRATION

- i. The administration of this Policy falls under the purview of the Department of Parks and Recreation and Tourism and will undergo periodic reviews and updates.
- ii. Public Art projects submitted for Municipality consideration through the application process must adhere to municipal requirements and criteria, in compliance of municipal, provincial, and federal laws, as well as with the scope and spirit of this Public Art Policy.
- iii. The Request for Proposal (RFP) process, its criteria, the application procedure, public consultation, and the selection process are outlined in the Terms of Reference for the Arts, Culture and Heritage Advisory Committee (ACHAC) (as approved by Council) and may be subject to revisions from time to time.
- iv. The formal and final approval of any Public Art project is granted by Council and recommended through the Advisory Committee.
- v. The Municipality entrusts the ACHAC Committee to uphold the Purpose and Principles of Public Art Policy in its decision-making including but not limited to the evaluation procedures for the RFP process, public consultation, and final recommendations.

2.2 CONTRACT TERMS FOR ARTISTS

Agreements with artists for Public Art projects through the Municipality of North Grenville's Public Art Projects must encompass a range of elements, including but not restricted to:

- i. Project scope
- ii. Responsibilities of private property owners including artwork care, conservation, maintenance or decommission/removal guidelines should funding be provided through the Municipality of Smiths Falls and as outlined in the Funding Agreement (if applicable)
- iii. Construction schedules
- iv. Ownership rights
- v. Artist recognition
- vi. Obligations for both the Municipality and the artist(s)
- vii. Artist(s)' recommended maintenance procedures for the artwork
- viii. Intellectual property and copyright considerations
- ix. Identification of subcontractors (if applicable)
- x. Any necessary legal and insurance requirements
- xi. Timelines for artist payments

2.3 CONTRACT TERMS FOR PROPERTY OWNERS

An additional agreement may be required by the Municipality for Property Owners when the Municipality commissions artwork or provides funding for artwork on private property. These agreements shall include stipulations for the property owner's maintenance or decommission/removal guidelines of artwork and the duration of the agreement (in the number of years).

2.4 REMUNERATION

- i. The Municipality of North Grenville will compensate artists in accordance with the Canadian Artists Representation (CARFAC) [Minimum Fee Schedule](#).
- ii. Arts professionals and local representatives who serve on the ACHAC shall act as a public art jury to review and make recommendations related to their mandate as volunteers, Committee Members shall not receive compensation.

2.5 COLLECTION MANAGEMENT

- i. The Public Art Collection will become a part of the permanent collection of the Municipality of North Grenville.
- ii. All Municipality commissioned, and approved private donations of Public Art will be entered into the Municipality's collection and within the Asset Management database to ensure funds are allocated for condition assessments, maintenance/repair or removal practices.
- iii. An inventory of all Public Art owned by the Municipality, or funded through municipal funds, will be managed by the Department of Parks and Recreation and Tourism, and will include:

- Title of Artwork
 - Artist(s) name and biography
 - Agreements (e.g., Artist, Partner, Funder, or Property Owner)
 - Appraisal (fair market value)
 - Insurance Certificate (where applicable)
 - Location of artwork and site plan
 - A comprehensive listing of materials used and product brand names
 - Maintenance plan
 - Conservation and condition reports
 - Photographs of the artwork
 - Other (e.g., loan or recognition agreements)
- iv. The Municipality shall manage a Public Arts Reserve for the purpose of maintenance, conservation, and repairs of its Public Art Collection.

2.6 COLLECTION MAINTENANCE AND DOCUMENTATION

- i. Artwork is to be installed where it is accessible and may be enjoyed by the community.
- ii. Artwork should be maintained in good repair by the Municipality or by a property owner for the duration of the installation or the life span of the artwork.
- iii. At the installation/completion of a Public Art project, the Municipality must receive all documents and materials outlined in subsection 2.5 to complete the file.

2.7 DECOMMISSIONING OF ARTWORK

The Municipality has the right to decommission artwork, move it to another site, donate, sell, or destroy the artwork. The Public Arts Advisory Committee, working with Municipality staff and any required third-party shall manage the process of permanently removing artwork from the Municipality's Collection through a decommissioning process. The Committee shall prepare a report for Council that will outline the need for decommissioning and the method of disposal. Decommissioning may be required if:

- I. The artwork is deteriorating and conservation or restoration is not feasible.
- II. The artwork is no longer relevant to the Municipality's Collection.
- III. The artwork poses, or is predicted to pose, public safety concerns.
- IV. The artwork is disproportionately too costly for the municipality to maintain.
- V. The site for the artwork is no longer accessible to the public.

When possible, the Municipality will notify the artist of its intent to decommission the artwork and the reasons for that decision. Deaccessioned art from the Municipality's Collection may be moved, donated, sold or destroyed at the Municipality's discretion. Should the artwork be donated to the Municipality, it cannot be returned to the donor as per CRA tax regulations.

SECTION 3 – COMMITTEE AND FUNDING

3.1 ARTS, CULTURE and HERITAGE ADVISORY COMMITTEE (ACHAC)

It is recommended that the Municipality of North Grenville appoint the ACHAC to oversee this function. This committee's responsibilities should be outlined in the Municipal Terms of Reference, the term will coincide with the term of Council. The Committee shall be comprised of XX number of voting members from various backgrounds and include members from: Council, North Grenville Arts Council, members of the ACHAC, and members of the public including but not limited to youth representatives. The ACHAC will:

- i. Adhere to the roles and responsibilities detailed in the approved municipal Terms of Reference for the North Grenville ACHAC concerning the implementation of the Public Art Policy. The Terms of Reference will be reviewed and amended from time to time.
- ii. Work alongside the Municipality Staff Liaison (non-voting) who will act as Secretary & Treasurer and who will report to Council on the Committee's behalf.

3.2 FUNDING

The Municipality of North Grenville's Public Art Program will receive funding in a formal and consistent manner to offer a comparable level of financial support with other similar Public Art programs in the province.

Funding will include:

- i. Establishing an ongoing line item in the Municipality's annual budget brought to council, being up to 1% of the tax generated revenues, to be used for commissioning, fabrication and installation of new art pieces and projects (subject to the approval of Municipality Council during the annual budget cycle).
- ii. A minimum of 50% of project funding should come from external sources including but not limited to grants, sponsorships and donations.
- iii. A minimum of 10% of annual allocation will be maintained for the long-term maintenance, conservation, and deaccession of the permanent collection. This will be placed in the Public Art Reserve Fund for future allocation as needed.
- iv. Support of a Public Art contribution from each new major capital project in the Municipality by leveraging tools referenced in the Ontario Planning Act including identifying a public art component when developing North Grenville's Official Plan.
- v. Where Public Art is identified as an opportunity for the developer, the Municipality will consider concessions (height, zoning, or other), offer guidance and technical input through Municipality departments and consider funding support through the Community Improvement Program or other similar incentives.
- vi. Leverage cost-sharing opportunities and partnerships available to area businesses and organizations as well as donation opportunities from individuals for future public art installations.

3.3 MUNICIPALLY OWNED PUBLIC ART SITES

Municipally owned public art sites that have been recommended by the ACHAC and approved by Council can include new civic facilities, additions to existing buildings, park and natural space development projects, streetscape developments, and newly built and existing engineering structures (bridges and overpasses) that are places of one or more of the following:

- i. historical and cultural significance.
- ii. highly visible and accessible for pedestrians and motorists.
- iii. community gathering spaces, open spaces, pedestrian routes, and trails.
- iv. significant as a tourism opportunity that may be proposed for multiple works either as one project or to house multiple works as in a sculpture park.
- v. high profile and have been prioritized by the Municipality's development schedules.

3.4 PROJECT AND SITE SELECTION

The selection of projects will be contingent upon available funding and the level of priority the project holds. Site selection should include opportunities for smaller projects as well. The Municipality of North Grenville's Public Art Master Plan identifies five categories of sites to be taken into account during the Municipality's capital or annual planning phase. These encompass:

1. Park Renewal (existing land)
2. Park Development (new)
3. Facility (Major and Medium-scale projects)
4. Facility (Minor projects)
5. Major Infrastructure Projects

3.5 PRIVATE DEVELOPMENT PUBLIC ART

This Policy includes a Private Development Public Art component to:

- i. advance the Purpose and Principles of the Municipality of North Grenville's Public Art Program by encouraging private development to contribute to the program through current or emerging opportunities.
- ii. offer funding assistance in support of Public Art inclusion throughout the Municipality, when appropriate including but not limited to the Community Improvement Plan, Municipality planning policy and/or Municipality programs.
- iii. advise developers, artists, collectives, and others in the planning and inclusion of Public Art into projects including the selection and placement of Public Art in private developments undergoing a development approvals process.

SECTION 4 – DEFINITIONS

For the purpose of this Policy, the definitions and interpretations in Section 4 shall govern unless the context indicates otherwise. Where a definition does not exist, a dictionary definition may prevail. (Source: The Merriam-Webster Dictionary)

- 4.1 **“ACCESSIBILITY”** shall mean the public’s ability to reach a site or enter a building, interact with the artwork through programming, activations, and events in compliance with Section 6 of Ontario Regulation 429/07 (Accessible Standard for Customer Service) made under the Accessibility for Ontarians with Disabilities Act, 2005.
- 4.2 **“ACTIVATION”** shall mean the ability to encourage and participate in public programming, knowledge sharing, and enjoyment of the Municipality of Smiths Falls’ Public Art Collection.
- 4.3 **“AESTHETIC”** shall mean the qualities of the artwork that are beautiful or interesting.
- 4.4 **“APPROVAL”** shall mean permission to proceed with the Public Art project as agreed upon by the Municipality.
- 4.5 **“COMMEMORATIONS”** shall mean memorials and plaques to celebrate, observe, or remember a specific event, person, or group of persons.
- 4.6 **“COMMERICALLY LEASED PROPERTY”** shall refer to all property that is not owned or leased by the municipality.
- 4.7 **“COMMISSIONING”** shall mean the formal request to produce Public Art in exchange for payment.
- 4.8 **“DECOMMISSIONING”** shall mean the act of removing artwork from public view or from service.
- 4.9 **“INTELLECTUAL PROPERTY”** shall refer to the artist(s)’s intellectual concepts and techniques involved in the creation of artwork. It is considered best practice for all North American Public Art Programs to include a statement that the artist does not waive their Artist Moral Rights or assign their copyrights.
- 4.10 **“GRAFFITI”** shall mean intentional artwork in a genre that is not general vandalism or unauthorized writing or drawing on a public surface.
- 4.11 **“MUNICIPALITY”** shall mean the Corporation of the Municipality of Smiths Falls and its representatives, which include but are not limited to, its officers, directors, employees, agents, licensors, and other representatives.
- 4.12 **“MUNICIPAL PROPERTY”** shall mean any municipally owned lands, which may include but is not limited to any park, building, road, structure, or sidewalk.
- 4.13 **“PERMANENT ART”** shall mean artwork created and installed with no proposed expiry or end-date for exhibition.
- 4.14 **“PUBLIC ART”** shall mean a work in any media created by an Artist for the express consent to be installed and displayed in a public site to be incorporated into the community through engagement.
- 4.15 **“RECOGNITION”** shall mean public acknowledgement and outlining of the artist’s name,

biography, date of the artwork and any other items the Municipality deems necessary to display who, when, where, and why the artwork was commissioned.

- 4.16** “**SIGNAGE**” shall mean the physical element used to attribute the artist’s recognition and any information relevant to animate Public Art.
- 4.17** “**SITE**” shall mean a place or location set aside for specific Public Art use.
- 4.18** “**STREET ART**” shall mean temporary art that is sanctioned and permitted on walls, sidewalks, roads and other urban spaces.
- 4.19** “**STEWARDSHIP**” shall mean the obligation of the Municipality to manage the care and maintenance for the Public Art within its collection.
- 4.20** “**TEMPORARY ART**” shall mean original artwork that is created to be exhibited for a proposed length of time, for a specific occasion or event. Temporary art may take many forms including visual, digital, sound, and performance-based artwork.

SECTION 5 – REFERENCES

1. North Grenville Arts & Culture Policy (2022)
2. Terms of Reference for the Arts & Culture Development Fund (2023)
3. Terms of Reference for the Arts, Culture and Heritage Advisory Committee
4. Municipality of Smiths Falls Public Art Policy (2024)