

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 14.56 of the Lincoln Municipal Code relating
2 to works of art by amending Section 14.56.030 to allow the issuance of permits for the placement
3 of privately owned outdoor artwork in the public right-of-way or on publicly owned property in all
4 zoning districts; amending Section 14.56.070 to provide that the permittee assumes all risk of loss
5 in placing art on city property including damages, vandalism, and/or destruction of the work;
6 amending Section 14.56.110 to provide such permits may be issued for a period of one to five years;
7 and amending Section 14.56.120 to provide for an application fee rather than a permit fee and to
8 provide that a collection of art intended to be a coordinated exhibit may be submitted under a single
9 master application and be subject to a single application fee and subsequent annual renewal fee; and
10 repealing Sections 14.56.030, 14.56.070, 14.56.110, and 14.56.120 of the Lincoln Municipal Code
11 as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 14.56.030 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **14.56.030 Works of Art Permitted.**

16 Notwithstanding any provisions of the Lincoln Municipal Code to the contrary and subject
17 to the provisions of this chapter, works of art shall be allowed upon public property ~~in the B-3~~
18 ~~Commercial District, the B-4 Lincoln Center Business District, and the P Public Use District~~ and
19 within the public right-of-way adjacent to ~~the B-3, B-4 and "P"~~ all zoning districts upon the issuance
20 of a permit by the City Council.

1 Section 2. That Section 14.56.070 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **14.56.070 Permit Conditions.**

4 A permit to use public property or public right-of-way for the location of a work of art shall
5 be subject to the following conditions:

6 (a) That such space shall only be used for the work of art specified on the permit in
7 accordance with the requirements of these or any other applicable regulations.

8 (b) That such use is temporary, and that the user acquires no right, title, or interest in the
9 space permitted to be used.

10 (c) That the City Council may require such space to be vacated upon demand and its use
11 discontinued, with no recourse against the city for any loss or damage occasioned by any such
12 requirement.

13 (d) That if any such space be not vacated and such use be not discontinued by the time
14 specified, the city may remove from such space any work of art left thereon at the risk and expense
15 of the owner.

16 (e) That the permit issued pursuant to this section is a personal privilege and may not be
17 transferred or alienated voluntarily or involuntarily.

18 (f) No advertising shall be permitted on any work of art except to identify the work
19 and/or the name of the artist and donor of the work of art, and shall in all respects comply with the
20 provisions of Titles 22 and 27 of this code regulating signage.

21 (g) The work of art shall be located only in the exact location described in the approved
22 application.

1 (h) The permittee shall be responsible for any damage or repairs to public property caused
2 by the installation or removal of any work of art.

3 (i) All installations shall be under the supervision of the City Sidewalk Inspector and the
4 City Sidewalk Inspector shall determine the method of placement of the work of art or any
5 supporting, anchoring, or enclosing structure for the work of art requiring placement in the sidewalk
6 or other right-of-way surface.

7 (j) The Urban Development Department shall monitor the condition of the work of art.
8 The permittee shall be responsible for properly maintaining the work of art so as to preserve its
9 quality and value.

10 (k) The permittee shall be responsible for any authorized removal or pruning of trees or
11 shrubs and such work shall only be done by a licensed and insured arborist.

12 (l) Any other conditions imposed by the City Council.

13 (m) The permittee assumes all risk in placing the work of art on city property including
14 damages, vandalism, and/or destruction of the work.

15 Section 3. That Section 14.56.110 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **14.56.110 Renewal and Termination of Permits.**

18 ~~All permits shall expire one year~~ Permits may be issued for a period of one to five years
19 ~~following the date of issuance. After the~~ Upon expiration of the initial approval of a permit
20 approved by the City Council for a specific location, ~~an annual~~ renewal of such permit may be
21 administratively approved annually by the Mayor without further action by the City Council.

1 Section 4. That Section 14.56.120 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **14.56.120 Permit Application Fee.**

4 Any person ~~issued~~ or sponsoring agency or organization requesting a permit under this
5 chapter shall pay to the city ~~a permit an application~~ fee of fifty dollars for each permit and shall pay
6 ~~a permit an application~~ fee of twenty-five dollars for each annual renewal of said permit.

7 A collection of art intended to be a coordinated exhibit may be submitted under a single
8 master application, subject to a single application fee and subsequent annual renewal fee for said
9 permit.

10 Section 5. That Sections 14.56.030, 14.56.070, 14.56.110, and 14.56.120 of the
11 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

12 Section 6. That this ordinance shall take effect and be in force from and after its
13 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004;

Mayor