

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER BERRY
Council Bill No. 28
Ordinance No. 1502
Series 2011

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CHAPTER 18 RENUMBERING ARTICLE II AS ARTICLE I AND ENACTING A NEW ARTICLE II, CONCERNING FUNDING FOR PUBLIC ART

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the City Council has exercised these powers by the adoption of Chapter 18 of the Wheat Ridge Code of Laws ("Code") concerning arts and culture; and

WHEREAS, Ordinance 1257-2002 originally enacted Chapter 18, Article I, which addressed the management of public art in the City; and

WHEREAS, public art is one method of creating a unique identity for an area; and

WHEREAS, in 2007 the City Council:

- adopted the Wadsworth Subarea Plan and determined that an ordinance concerning art in public places should be drafted for the area governed by the Plan; and
- at the same time, the Council directed that the public art ordinance should provide that 1% of the City's and State's capital construction projects (for projects of \$50,000 or more) should be designated for the purchase of public art and the promotion of cultural events; and
- that ordinance was never adopted by the Council; and

WHEREAS, on November 22, 2010, the City Council adopted Resolution 63 establishing a public art fund for all areas of the City where such art is provided through site development fees charged in connection with private site development; and

WHEREAS, the City Council desires to amend Chapter 18 of the Code to provide for all of the City's public art regulations in one location in the Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Chapter 18, Article I, of the Code, previously codified as Article II, is hereby relocated to Article I and all sections are renumbered accordingly.

Section 2. Chapter 18, Article II is hereby titled, "Funding of Public Art" and shall read in its entirety as follows:

Sec. 18-21. Public art fund: private site development funding

(a) Source of Funds. There is hereby created a Public Art Fund (private site development funding), into which shall be deposited the following revenues:

- (1) One percent (1%) of the total amount received by the City for plan review, building permit fees and use tax charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- (2) One percent (1%) of the total amount received by the City for the development review fees charged in connection with all private site development (as defined in Code Section 26-123), having an anticipated construction cost of \$100,000 or greater.
- (3) Any funds which may be donated by private parties for the purposes of this Chapter.
- (4) Such other funds as the City Council may direct.

(b) Use of Funds. The funds in the Public Art Fund (private site development funding) shall be used for any public art in the City, as recommended by the Wheat Ridge Cultural Commission and directed by the Council.

Sec. 18-22. Public art fund: public site development funding

(a) Source of Funds. There is hereby created a Public Art Fund (public site development funding). One percent (1%) of the budget of City and State of Colorado capital construction projects of \$50,000 or more (which projects are located within any urban renewal area within the City) shall be deposited in said fund.

(b) Unless otherwise directed by City Council, all public projects, as defined in Section 18-22a, shall include an appropriation of funds for public art, within the project area, at the rate of one percent of the project cost.

Secs. 18-23 - 18-30. Reserved.

Section 3. Upon the effective date of this Ordinance, Resolution 63, Series of 2010, done and resolved on the 22nd day of November, 2010 shall be repealed.

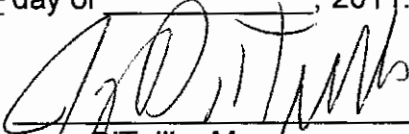
Section 4. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 26th day of September, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for October 10, 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 10th day of October, 2011.

SIGNED by the Mayor on this 10th day of October, 2011.



Jerry DiTullio, Mayor

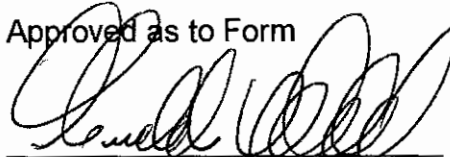
ATTEST:



Michael Snow, City Clerk



Approved as to Form



Gerald E. Dahl, City Attorney

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