

ARTICLE I: Art in Public

PUB-1 Intent and Considerations

It is the intention of the City of Kingston to adopt a local law to establish guidelines and protocol for works of art that interact with the public way. Publicly displayed works of art have become a part of Kingston's identity, and provide our community with the opportunity to engage with art on a daily basis. Displaying art via the public way differs from other methods of exhibition, dispelling financial or cultural barriers. Due to the highly visible nature of work displayed via the public way, and to preserve our public spaces, a system for approval, maintenance, and potential removal has been developed with guidance from the Kingston Arts Commission.

PUB-2 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ART IN PUBLIC PANEL- A panel of 5 persons, appointed by the Mayor of Kingston to oversee and approve applications for works of art in the public way.

ART IN THE PUBLIC WAY- Artwork that is displayed in a manner that engages with the general public. Any work of art that is displayed on the exterior of a commercial or residential building containing more than one residential unit, or on sidewalks and roads, or city-owned property, shall be considered art in the public way.

CITY-OWNED ART- A work of art that is acquired by, or donated to a municipal collection, and displayed on City-owned property.

GRAFFITI- The etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to damage such property. See Kingston City Code, ch. [250](#).

MURAL- A work of original 2D visual art, displayed on the exterior of any building or structure. Not all original art murals are considered advertisements or signs, but may be defined as such if the content is deemed to be a sole representation of a business' logo, name, and or products sold, such murals would be subject to the existing regulations outlined in the Kingston City Code. See Advertisements and Billboards, ch. [130](#) , and Signs ch. [405](#) for more information.

SCULPTURE- A three-dimensional work of art.

WORK OF ART or ARTWORK- An original item, commissioned, conceived, and created by an artist(s).

PUB 3 Artistic Amendments in Historic Districts

As one of the oldest cities in New York, the City of Kingston is dedicated to the protection of historic landmarks and their surrounding structures and property. While art can enhance the historic character of these landmarks, certain precautions have been established to ensure that aesthetic additions to historic districts are conducted in congruence with historic preservation standards. The City of Kingston has established the following historic districts;

The Stockade District Area [[MAP](#)]

The Rondout Landmark District [[MAP](#)]

The Fair Street Landmark District [[MAP](#)]

The Chestnut Street Historic District [[MAP](#)]

The Broadway Overlay District [[MAP](#)]

Artists, individuals, or organizations seeking to install works of art to be displayed in historic or design districts must adhere to the existing regulations outlined in Chapter [264](#) and [405](#) of the Kingston City Code. Aesthetic amendments in historic or design districts are submitted by application to the appropriate commission. The City of Kingston can provide support and guidance to applicants who require assistance in preparing their applications for review by the appropriate commission. In accordance with The Kingston City Code, Chapter [264](#), article C, applicants may meet with the appropriate commission before submitting an application to discuss plans for alteration of exterior features.

PUB 4 Powers and Duties of the Art in Public Review Panel

It is the belief of the City of Kingston that the Art in Public Panel be established to oversee public art developments. It shall be the duty of the panel to consider applications for publicly displayed art. The Art in Public Panel shall be encouraged to work in partnership with City Planning officials, the Kingston Arts Commission, the Historic Landmarks Preservation Commission, and the Heritage Area Commission.

PUB 4.1 Membership -The Art in Public Panel shall be comprised of five members, appointed by the Mayor of Kingston. Applications are open to any resident or business owner in the City of Kingston. Members must include at least one, and no more than two representatives from the Kingston Arts Commission. The Director of Art and Cultural Affairs will act as liaison, and provide assistance and support to the panel. Members shall serve a one-year term with the option to renew. The members of the Public Art Panel shall be appointed in no more than six months after the adoption of this resolution.

PUB 4.2 Meetings – Meetings will be held on a monthly basis to ensure applications are approved in a timely manner. If there are no proposed public art applications to approve, the meeting may be cancelled. In accordance with New York State Law, any and all meetings for the Art in Public Panel are open to the public.

PUB 5 Art in Public Permit

Artwork that is over 6 feet in height, fully or partially visible from a public sidewalk or city owned property, and is intended for an exterior display of longer than one week, will be considered art in the public way and will require a permit for installation. Artwork that is not intended for permanent display must be removed without causing damage or significant alternation to the site where it was displayed. The City of Kingston encourages artists to continue to develop and create artwork that engages with the public.

Applications should be submitted as early as possible to allow proper time for approval before on-site work begins. Applications must be submitted at least 3 business days before the meeting of the Art in Public Panel to be considered. Applications shall be approved or denied no more than 30 days after submission. Failure by the Public Art Panel to render a decision in 30 days, without an appropriate reason, constitutes an automatic approval. Action on an application can be adjourned for an additional period of time at the request of the applicant. Determinations of the Art in Public Panel will not be made based on content.

Applicants seeking to display more than one exterior work of art must fill out an application for all pieces of artwork, but will only be required to pay a single application fee for all applications submitted at one time. On-site work is not permitted until the application has been approved by the Public Art Panel.

Applications and materials shall be emailed or delivered in person to the Department of Arts and Cultural Affairs. Applications for proposed projects should include the following:

- A. Completed "Art in Public Installation Permit" application form, including signature of property owner and participating, or lead artist(s).
- B. A rendering of the proposed artwork's dimensions on the building, property, or structure in question, along with a photo of the intended location.
- C. \$25.00 Application Fee.
- D. If the intended location for the artwork is located in a Historic District, documentation or proof of approval from the appropriate regulatory commission.
- E. If the artwork in question requires excavation or digging, proof of site approval from Dig Safe New York.
- F. List of proposed materials.

Upon satisfaction of the applicable permit requirements, projects that comply with the following criteria will be allowed:

- A. No part of the project/artwork will violate the restrictions set in place to protect historic buildings and landmarks. Historical Zoning and Regulation for the City of Kingston-see ch. 264.
 - a. No artwork shall be installed on raw historic brick predating 1960, or bluestone. Artwork(s) installed on raw brick or bluestone before the adoption of this ordinance will be permitted to remain.
- B. Artwork must be planned to be maintained without alteration by the artist, building owner, or organization responsible for installation for the duration of display, unless the artist(s) have waived the rights available to them under the Visual Artists Rights Act.

- C. Installation and removal of any artwork must not cause damage to existing structures, or impede on public safety.
- D. No artwork will obscure or impede on the visibility of existing signage.
- E. Installation of artwork must be conducted in accordance with code related to Streets and Sidewalks- See ch. [355](#). If the installation will block a road or sidewalk, the proper permits must be secured.

PUB 5.1 Appellate Process- Denial of application may be appealed once via an in-person presentation of proposal to the Public Art Panel.

PUB 6 Maintenance and Care

Any and all works of art in the public way should be kept well maintained at the expense of the artist, organizers, or property owners for the duration of display. A plan for maintenance should be considered in the overall budget for any publicly displayed work of art. Damage and degradation due to weather should be expected and counteracted by proper maintenance and usage of appropriate materials during installation. The City of Kingston suggests the preparation of walls and surfaces before the application of paint. The City of Kingston recommends the use of materials formulated specifically for outdoor exposure. Use of a clear coat of paint or varnish to seal painted works of art is highly recommended. The use of fragile or degradable materials such as wood, canvas, or glass are discouraged for use in long-term outdoor display.

PUB 6.1 Graffiti and Vandalism- To ensure artwork(s) that are vandalized are properly repaired, it is the responsibility of artists, organizers, and or property owners to repair any act of unsolicited amendments. Works of art that are vandalized and not cleaned or repaired are subject to a fine, as stated in ch. [250](#) of the Kingston City Code.

PUB 6.2 Term of Display- The City of Kingston recommends establishing a term of display to ensure all involved parties are aware of the length and terms of display. Defining terms of display will also assist in developing plans for maintenance and care.

PUB 7 Installation

The City of Kingston recognizes that there are a variety of techniques for the application and installation of works of art, and does not seek to impede on the artist's practice or method of application. The following guidelines have been established to provide clarity for artists and organizations seeking to create a publicly displayed art installation.

PUB 7.1 Installation Restrictions & Permits Any and all installations must operate in accordance with the noise regulations of the City of Kingston, as outlined in ch. [300](#). Any installation that impedes on the public way must secure the proper closure permits before installation begins. Failure to comply will result in a halt of installation.

PUB 7.2 Excavation Any work of art requiring excavation or digging must receive approval from Dig Safe New York before any excavation may occur.

PUB 8 Notification of Community

It is the responsibility of the artist, organizers, or property owner to properly inform residents, community members, and business owners of proposed publicly displayed art projects. Notice should be posted at the planned site for installation before on-site work begins. If the proposed site is a residential building, it is the responsibility of artists, organizers, or property owners to inform residents before on-site work begins. Notices should include the address of the proposed location, and the installation schedule. Any art permanently installed on City-owned property must allow for a period for public comment, and may be subject to additional regulations.

PUB 9 Planned Removal of Art in the Public Way

Property owners should be made aware that certain completed works of art are protected under the Visual Artist Rights Act, and the artist must be contacted before the removal or alteration of their artwork. Property Owners are encouraged to discuss any alterations or plans for removal or amendments with the artist or organization responsible for the creation and installation of the work of art.

PUB 10 Penalties for Offenses

Any and all works of art in the public way that are installed, either partially or fully, without an approved permit may be removed by the City of Kingston. The City of Kingston will deliver a written notice of violation to the property owner prior to any removal. Any concerns or complaints regarding publicly displayed works of art should be directed to the Department of Art & Cultural Affairs.