

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1107**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
ESTABLISHING THE ART IN PUBLIC PLACES FUND AND AMENDING
CHAPTER 3, ARTICLE I OF THE *FREDERICK MUNICIPAL CODE*.**

WHEREAS, the Town of Frederick by Ordinance No. 522, established a public policy of the placement of works of art in public places; and

WHEREAS, the Town of Frederick by Ordinance No. 522, provided a dedicated source of funds for the acquisition of works of art, the maintenance and repair of works of art and the expenses of the administration of Art in Public Places; and

WHEREAS, it is the intent of the Town of Frederick that the Art in Public Places hereby created is to be considered a wholly owned business of the Town for the purpose of the purchase, placement and maintenance of Art in Public Places; and

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Section 3-2 (5) of the *Frederick Municipal Code* is hereby amended to read as follows:

“(5) *Art in Public Places Fund* shall mean the Art in Public Places Fund established by this Chapter.”

Section 2. Section 3-3 of the *Frederick Municipal Code* is hereby amended to read as follows:

“Sec. 3-3. Funds for works of art.

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects, a fee for works of art in an amount equal to at least one percent (1%) of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for works of art shall be paid into the Art in Public Places Fund.

Section 3. Section 3-4 of the *Frederick Municipal Code* is hereby amended to read as follows:

“Sec. 3-4. Account established.

There is hereby established a separate account to be known as the Art in Public Places Fund. Said account shall be credited with such funds as determined by the Board of Trustees and with all funds received by the Town for art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for the acquisition of works of art, maintenance and repair of works of art and the expenses of the

administration of this chapter.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law as of January 1, 2013.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 6. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 27th
DAY OF November, 2012.

ATTEST:



TOWN OF FREDERICK

By Meghan C. Martinez
Meghan C. Martinez, Town Clerk

By Tony Carey
Tony Carey, Mayor