



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session, and the Enid Public Transportation Authority, a Public Trust will meet in special session at 5:00 p.m. on the 1st day of December, 2015, in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF DECEMBER 1, 2015.**
3. **ICE STORM UPDATE.**
4. **KAW LAKE UPDATE.**
5. **DISCUSS AUTHORIZING MUNICIPAL FINANCE SERVICES, INC. TO SEEK FINANCING PROPOSALS IN CONNECTION WITH THE ACADEMY INCENTIVE.**
6. **DISCUSS THE ART IN PUBLIC PLACES ORDINANCE.**
7. **ADJOURN.**

City Commission Study Session

6.

Meeting Date: 12/01/2015

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

DISCUSS THE ART IN PUBLIC PLACES ORDINANCE.

BACKGROUND:

RECOMMENDATION

PRESENTER:

Attachments

Ordinance

ORDINANCE NO. 2015-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 7, ENTITLED "PUBLIC WAYS AND PROPERTY," CHAPTER 11, ENTITLED "ART IN PUBLIC PLACES," SECTION 7-11-1 THROUGH 7-11-14, TO RENAME THE ARTS COMMISSION, PROVIDE A DEFINITION, CORRECT CAPITALIZATION THROUGHOUT AND CLARIFY DIVISION OF MATCHING FUNDS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 7, Chapter 11, Section 7-11-1 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-1: PURPOSE:

The purpose of this chapter is:

- A. To provide a means to fund the acquisition of works of art by the cityCity, which art shall become the cityCity's collection, to create an arts commission, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection.
- B. To provide a means for each major cityCity construction project to have an appropriate display of art integrated into the project, to provide for dedication of art, and to provide for administration of funds and to provide for ownership of artwork.
- C. To provide a procedure by which works of art may be displayed on cityCity sidewalks and rights of way. (Ord. 2015-16, 4-7-2015)

Section II: That Title 7, Chapter 11, Section 7-11-2 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-2: DEFINITIONS:

For purposes of this chapter the following words or phrases shall be defined as set out below:

ART IN PUBLIC PLACES: Any "work of art", as defined herein, displayed for two (2) weeks or more in an open cityCity owned area, or the exterior of any cityCity owned facility, inside any cityCity owned facility and areas designated as public areas, or on noncity property if the work

of art is installed or financed, either wholly or in part, with cityCity funds or grants procured by the cityCity.

~~ARTS COMMISSION: The arts commission created by section 7-11-4 of this chapter.~~

CITY CONSTRUCTION PROJECT: All cityCity buildings, gateways, parks, plazas, medians, roads, excluding road overlay projects, and other public areas except service facilities not normally visited by the public.

CONSTRUCTION COSTS: Any costs related to public work projects, such as the estimated construction costs of projects proposed for the capital improvement plan.

CONSTRUCTION OR ALTERATION: Construction, rehabilitation, renovation, remodeling or improvement as it relates to public works projects.

FUND: The art in public places fund established by this chapter.

MAJOR CITY CONSTRUCTION PROJECT: A cityCity construction project or cityCity alteration project where the cityCity's construction cost is two hundred fifty thousand dollars (\$250,000.00) or more.

PARK: Any greenbelt area acquired by the cityCity of Enid or any public park acquired by the cityCity of Enid.

PUBLIC ARTS COMMISSION OF ENID: The arts commission created by section 7-11-4 of this chapter.

WORK OF ART: Includes, but is not limited to, a sculpture, fountain, monument, mural, fresco, relief, painting, carving, stained glass installation and permanently installed musical instruments. Work of art would normally not include landscaping, paving, architectural ornamentation or signs. (Ord. 2015-16, 4-7-2015)

Section III: That Title 7, Chapter 11, Section 7-11-3 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-3: FUND ESTABLISHED:

At the ~~mayor and board of commissioners~~Mayor and Board of Commissioners' discretion an art in public places fund may be set up. Said fund may be credited with donations from individuals, corporations, civic clubs, cityCity of Enid funds, grants or other charitable contributions, investment earnings, voluntary contributions from utility customers through the utility billing department, and such other funds as determined by the ~~city commission~~Mayor and Board of Commissioners. Said funds shall be administered by the ~~arts commission~~Public Arts Commission of Enid solely for purposes set out in this chapter. Monies credited to such account

shall be expended only in connection with acquisition of works of art, maintenance and repair of works of art and direct and indirect expenses of administration of this chapter.

A. Art ~~In~~in Public Places Fund:

1. This Chapter Establishes ~~The~~the Fund: Monies received under this chapter, grants, donations and other sources to be utilized for projects can be pooled for larger projects or designated to a specific project.
2. Funds Shall Accumulate: Unexpended funds received through donations shall be carried over and rebudgeted in the next fiscal year.

B. Eligible Expenditures:

1. Projects: All ~~arts-commission~~Public Arts Commission of Enid contracts shall require the artist to design, produce, deliver, and install a work of art for a guaranteed maximum cost. The cost may include the cost of the work itself and any associated costs which may be required or are inherently related to the implementation of the project. The following costs are eligible for fund monies included in the total ~~arts-commission~~ contract:
 - a. The work of art itself, including, but not limited to: artists design fee, artists operating expenses related to the project, travel expenses related to the project, transportation of the work of art to the site, design, preparation and construction of the site, and installation of work of art, identification plaques and labels, mountings, anchorages, containments, pedestals, materials necessary for installation, location or security of artwork, photographs or slides of the completed work for the purpose of routine documentation of the project, permits or fees necessary for installation, and legal cost related to the project.
2. Selection, Acquisition ~~And~~and Maintenance: Fund monies are to be used for the selection, acquisition, maintenance of commission, purchase, or produced works of art or art spaces. The following are eligible expenses:
 - a. Administrative fees directly associated with the selection and acquisition of artwork, selection panel, honoraria and travel expenses, payment of proposal stipends to artists invited to submit maquettes for a project, and substantial structural repair, ongoing maintenance, and insurance for works of art. (Ord. 2015-16, 4-7-2015)

Section IV: That Title 7, Chapter 11, Section 7-11-4 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-4: ~~ADMINISTRATION~~CREATION OF PUBLIC ARTS COMMISSION OF ENID:

~~At the mayor and board of commissioners' discretion, the arts commission may be~~The Public Arts Commission of Enid is hereby created to administer the provisions of this chapter relating to acquisition of works of art and display. The ~~arts commission~~Public Arts Commission of Enid shall submit to the ~~city commission~~Mayor and Board of Commissioners, not later than March of each year, a report of its activities for the prior year. (Ord. 2015-16, 4-7-2015)

Section V: That Title 7, Chapter 11, Section 7-11-5 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-5: DUTIES; MEMBERSHIP OF THE ARTS COMMISSION:

A. Duties ~~And~~and Functions:

1. The duties and functions of the ~~arts commission~~Public Arts Commission of Enid shall be to administer the provisions of this chapter, to develop guidelines and standards for the selection, display, and maintenance of art for the ~~city~~City's collection and to acquire, by purchase or donation, works of art for the ~~city~~City's collection.
2. The ~~arts commission~~Public Arts Commission of Enid shall hold one regular meeting per quarter, to be determined by the ~~arts commission~~Public Arts Commission of Enid annually. It will be a requirement of the ~~arts commission~~Public Arts Commission of Enid to give notice, in writing, to the ~~city clerk~~City Clerk no later than December 14 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings for the following calendar year.

B. Members:

1. The ~~arts commission~~Public Arts Commission of Enid shall consist of a total of seven (7) members: six (6) members to be appointed by the ~~mayor and board of commissioners~~Mayor and Board of Commissioners and at least one member to be a member of the ~~city commission~~Mayor and Board of Commissioners.
 - a. Three (3) additional advisory members may be appointed by the ~~mayor and board of commissioners~~Mayor and Board of Commissioners to serve as ex officio members without voting privilege, one advisory member may be an Enid youth. Advisory members can be members of the art community or have a special interest in the arts and serving on this commission.
2. The term for each ~~arts commission~~Public Arts Commission of Enid member shall be for three (3) years. Any person who has served two (2) full consecutive terms on the ~~arts commission~~Public Arts Commission of Enid shall not be eligible for

consecutive reappointment to the ~~arts-commission~~Public Arts Commission of Enid. A partial term shall not count toward the term limit.

3. Whenever a vacancy shall occur, either by death, resignation, removal, change of residency, impending expiration of term or for any other cause, the ~~city-commission~~Mayor and Board of Commissioners shall appoint a person to fill the remainder of the unexpired term.
4. The effective operation of a board depends upon regular attendance of the members at meetings. As a result, a member who misses more than half of all of the meetings held in any four (4) month period will forfeit membership on the ~~arts-commission~~Public Arts Commission of Enid immediately.
5. Special meetings shall be held upon the call of the chairperson or vice chairperson or upon written request of three (3) members of the ~~arts-commission~~Public Arts Commission of Enid. Notice shall be in compliance with Oklahoma open meetings act.
6. All meetings of the ~~arts-commission~~Public Arts Commission of Enid shall be conducted in accordance with the provisions of Oklahoma open meetings act.
7. The quorum for the conduct of business at any meeting shall be the majority of all the members of the ~~arts-commission~~Public Arts Commission of Enid. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date. The ~~arts-commission~~Public Arts Commission of Enid shall consider all matters properly brought before it as set forth on the agenda.
8. In all matters coming before the ~~arts-commission~~Public Arts Commission of Enid, the affirmative vote of a majority of those present and voting shall be the action of the ~~arts-commission~~Public Arts Commission of Enid, provided that a quorum is present, except that the following actions shall require the affirmative vote of five (5) members of the ~~arts-commission~~Public Arts Commission of Enid: expenditures of funds; acceptance of gifts and determination of the terms and conditions of acceptance thereof; place of display and removal of works of art; and amendment of the bylaws. Ex officio members shall not be entitled to vote.
9. In the event any member shall have a personal interest of any kind in a matter then before the ~~arts-commission~~Public Arts Commission of Enid, they shall disclose their interest to the ~~arts-commission~~Public Arts Commission of Enid. The ~~city-attorney~~City Attorney shall advise on any conflicts of interest and the ~~city-attorney~~City Attorney's opinion shall be final.
10. The agenda for regular meetings will be prepared by the chairperson of ~~arts-commission~~Public Arts Commission of Enid. The agenda must be sent to the ~~city-clerk~~City Clerk for review and posting no later than forty eight (48) hours in

advance of the meeting, after which time no changes to the agenda shall be authorized.

11. Generally, meetings can be conducted in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the ~~arts commission~~Public Arts Commission of Enid. When necessary, in order to effectively conduct business, as determined by a majority of those present, "Robert's Rules Of Order" shall be in effect.
12. Members of the ~~arts commission~~Public Arts Commission of Enid must reside within or have substantial ties within the city limits of the ~~city~~City, whether as a resident or a business owner, or, where the ~~city commission~~Mayor and Board of Commissioners determines that the duties and functions of ~~a board of the arts commission~~the Public Arts Commission of Enid impact, or are likely to impact, areas beyond the city limits, such person resides within or has substantial ties to the affected area.
13. The chairperson, with the concurrence of the ~~arts commission~~Public Arts Commission of Enid, may establish such committees as may be necessary for the conduct of the business of the ~~arts commission~~Public Arts Commission of Enid. The chairperson shall appoint the members of such committees.
14. All members of the ~~arts commission~~Public Arts Commission of Enid shall be entitled to attend meetings of committees of the ~~arts commission~~Public Arts Commission of Enid and all such committee meetings shall be held in compliance with the Oklahoma open meetings act.
15. The bylaws may be amended at any regular meeting of the ~~arts commission~~Public Arts Commission of Enid, provided that the proposed amendment has been introduced at a prior regular meeting of the ~~arts commission~~Public Arts Commission of Enid. Amendment of the bylaws shall require the affirmative vote of five (5) of the members of the ~~arts commission~~Public Arts Commission of Enid. (Ord. 2015-16, 4-7-2015)

Section VI: That Title 7, Chapter 11, Section 7-11-6 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-6: GUIDELINES:

- A. The ~~arts commission~~Public Arts Commission of Enid shall adopt guidelines in accordance with the collection policy:
 1. To identify suitable art objects for ~~city~~City buildings;
 2. To facilitate the preservation of art objects and artifacts that may be displayed in public places;

3. To prescribe a method or methods for competitive selection of art objects for display;
4. To prescribe procedures for the selection, acquisition and display of art in public places; and
5. To set forth any other matter appropriate to the administration of this chapter. (Ord. 2015-16, 4-7-2015)

Section VII: That Title 7, Chapter 11, Section 7-11-7 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-7: POLICIES AND PROCEDURES FOR PROCESSING ARTWORK PURCHASES:

A. The application for artwork must be completed with the following information attached and given to chairperson prior to being considered as an agenda item:

1. Biography of artist;
2. Photograph or sketch of artwork with the total cost of the artwork;
3. Detailed description of location of artwork placement;
4. A contract for commissioned artwork must accompany application;
5. Matching funds (at least 1/2 of total amount), of which eighty-five percent (85%) shall be used for acquisition of the art, thirteen percent (13%) set aside for maintenance of art, and two percent (2%) shall be used for administration of projects;
6. Two (2) invoices (1 for half upon order and another invoice for the remaining balance upon delivery);
7. Proposed signage for the monument (if applicable);

These items are then to be placed on the agenda for the next regular meeting for discussion and action.

B. Once all documentation has been received the item will be placed on the agenda for review. The ~~arts commission~~Public Arts Commission of Enid will review the application; if the committee recommends approval for the purchase of the artwork, then the item will be forwarded to the ~~mayor and board of commissioners~~Mayor and Board of Commissioners for final approval.

C. The ~~arts-commission~~Public Arts Commission of Enid chairperson will give the staff liaison all documentation and the ~~arts-commission~~Public Arts Commission of Enid recommendation to take to the ~~mayor and board of commissioners~~Mayor and Board of Commissioners for final review and approval. If the ~~mayor and board of commissioners~~Mayor and Board of Commissioners approves of the purchase of the artwork, then the following procedure is to be followed:

1. Check from partner for one-half ($\frac{1}{2}$) purchase price shall be given to the ~~city~~City liaison at the meeting who will, in turn, give to the purchasing agent for deposit.
2. A purchase order will be made for the total price of the artwork, with the notation that one-half ($\frac{1}{2}$) of purchase price will be paid when the invoice is received. Balance of payment to be paid on delivery of artwork.
3. The artist is notified and a copy of the purchase order is sent with the request for an invoice for the total price, showing one-half ($\frac{1}{2}$) payment will be paid on receipt of invoice and the remaining upon delivery.
4. Upon receipt of the total price of the artwork, the ~~city~~City liaison, will request a check for one-half ($\frac{1}{2}$) of the total price. Net thirty (30) days by terms for payment in accordance with the ~~city~~City of Enid purchasing procedures. Check will be mailed from the purchasing department once processed.
5. Artwork will be delivered to the ~~city~~City of Enid service center at 1500 W. Poplar. Upon delivery of artwork, park staff will notify the ~~city~~City liaison. Artwork will be inspected so final payment can be made. If accepted, the ~~city~~City liaison will request final payment. Net thirty (30) days by terms for payment in accordance with the ~~city~~City of Enid purchasing procedures. Check will be mailed from the purchasing department once processed.
6. Artwork is now added to the master list maintained by the ~~city-manager~~City Manager or his designee and put on the parks department cleaning schedule. (Ord. 2015-16, 4-7-2015)

Section VIII: That Title 7, Chapter 11, Section 7-11-8 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-8: SELECTION AND DISPLAY STANDARDS:

- A. In performing its duties with respect to art in public places, the ~~arts-commission~~Public Arts Commission of Enid shall give special attention to the following matters:
1. Conceptual compatibility of the design with the immediate environment of the site;
 2. Appropriateness of the design to the function of the site;

3. Compatibility of the design and location with a unified design character or historical character of the site;
4. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;
5. Preservation and integration of natural features for the project;
6. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
7. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community. (Ord. 2015-16, 4-7-2015)

Section IX: That Title 7, Chapter 11, Section 7-11-9 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-9: DISPLAY OF ART IN PUBLIC PLACES:

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the ~~city~~City of Enid. Works of art owned by the ~~city~~City may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the ~~city commission~~Mayor and Board of Commissioners. City officials responsible for the design and construction of public improvements in the ~~city~~City shall make appropriate space available for the placement of works of art, in consultation with the ~~arts commission~~Public Arts Commission of Enid. The ~~arts commission~~Public Arts Commission of Enid shall advise the ~~city manager~~City Manager of the ~~arts commission~~Public Arts Commission of Enid's decision regarding the design, execution and placement of work(s) of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expenses, the ~~arts commission~~Public Arts Commission of Enid shall obtain prior written approval of the ~~city manager~~City Manager before approving the same.
- B. All art in public places shall receive the prior review and approval of the ~~arts commission~~Public Arts Commission of Enid. None shall be removed, altered or changed without the prior review of the ~~arts commission~~Public Arts Commission of Enid and the approval of the ~~city commission~~Mayor and Board of Commissioners.
- C. It is anticipated that the ~~arts commission~~Public Arts Commission of Enid will receive requests to fund portions of public art projects from schools, civic clubs, businesses or individuals. On such occasions funds from the art in public places fund may be used to fund up to fifty percent (50%) of art in public places directly financed by such group and individuals and placed on privately owned land. The criteria for participating in such

ventures shall be the same as for art in public places funded wholly by the fund. Where the ~~arts-commission~~Public Arts Commission of Enid has approved a private donation or private property purchase the ~~arts-commission~~Public Arts Commission of Enid may contribute up to one-half ($\frac{1}{2}$) of the cost of the piece of art not to exceed thirty thousand dollars (\$30,000.00) toward purchase of said artwork.

1. No work of art financed or installed either wholly or in part from the arts in public places fund shall be installed on privately owned property without a written agreement between the ~~arts-commission~~Public Arts Commission of Enid, acting on behalf of the ~~city~~City, and the property owner, specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the ~~city-attorney~~City Attorney, including maintenance and ownership of the art being titled to the ~~city~~City of Enid. In addition, such written agreements shall specify that the private property owner shall assure:
 - a. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
 - b. That the work of art will be maintained in good condition; and
 - c. That insurance and indemnification will be provided as is appropriate.
- D. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.
- E. The ~~city-manager~~City Manager or his designee shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible, and said records shall be housed by and maintained by the ~~city~~City of Enid. The chairman of the commission shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 2015-16, 4-7-2015)

Section X: That Title 7, Chapter 11, Section 7-11-10 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-10: DEDICATION FOR ART:

At the ~~city-commission~~Mayor and Board of Commissioners's discretion, up to one percent (1%) of the construction cost of a major ~~city~~City construction project may be set aside for the inclusion of public art. Of the one percent (1%), eighty five percent (85%) of said sum may be used for acquisition of public art, thirteen percent (13%) may be placed in a revolving fund for maintenance, repair and installation and two percent (2%) may be used for administration of projects established under this code. The art shall be displayed in, upon, adjacent to or in close proximity to the city facility that is the subject of the project. If it would be inappropriate to display art at that location, the one percent (1%) may be used for the acquisition of art for the

display in, upon, adjacent to or in close proximity to other city projects. The cost of the public art shall include the administrative costs in implementing this chapter. (Ord. 2015-16, 4-7-2015)

Section XI: That Title 7, Chapter 11, Section 7-11-11 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-11: ADMINISTRATION, INSTALLATION, MAINTENANCE AND REPAIR:

- A. The ~~arts-commission~~Public Arts Commission of Enid shall develop methods of selection of artists, criteria for selection, final recommendation of site projects, maintenance and repair works of art, and periodic evaluation of the program.
- B. Funds budgeted for public art pursuant to this chapter may be used for acquisitions, installation, maintenance, repair and administration of this program. Funds may be outlined in the percentages set out in section 7-11-10 of this chapter, or at the ~~city commission~~Mayor and Board of Commissioners's discretion. These funds and this program shall be reviewed by the ~~arts-commission~~Public Arts Commission of Enid and art selection shall be reviewed by the ~~arts-commission~~Public Arts Commission of Enid, pursuant to guidelines adopted by the ~~arts-commission~~Public Arts Commission of Enid. Final determination of use of funds and art selection shall be the discretion of the ~~city commission~~Mayor and Board of Commissioners. (Ord. 2015-16, 4-7-2015)

Section XII: That Title 7, Chapter 11, Section 7-11-12 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-12: OWNERSHIP:

All art acquired pursuant to this chapter shall be acquired in the name of the ~~city~~City of Enid and shall vest in the ~~city~~City of Enid. (Ord. 2015-16, 4-7-2015)

Section XIII: That Title 7, Chapter 11, Section 7-11-13 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-13: WORKS OF ART ON CITY SIDEWALKS AND RIGHTS OF WAY:

Works of art may be installed on ~~city~~City owned sidewalks only where permitted in advance and when the following criteria are met:

- A. Permit application must be made to the code administration department. Such application shall include, but not be limited to, the following information:
 - 1. Name, home and business address and telephone number of the applicant and the name and address of the business.
 - 2. Proof of current liability insurance, issued by an insurance company licensed to do business in the state of Oklahoma, protecting the owner against all claims for

damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the cityCity of Enid as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the cityCity. The general liability insurance policy shall be in the minimum aggregate amount of five hundred thousand dollars (\$500,000.00) total limits. The policy renewal shall be received by the cityCity annually.

3. A sketch, to scale, of the proposed location, showing the layout and dimensions of the existing public area and adjacent private property, including all appurtenances.
 4. Photographs, drawings or manufacturers' brochures fully describing the appearance of the proposed work of art.
- B. No permittee may block or restrict the passageway to less than six feet (6') in width, or block ingress or egress to or from any building. No work of art shall be placed in a manner as to block any driveway, crosswalk, parking space or bus stop.
- C. No permittee may place objects around the perimeter of the area which would act as a physical or visual barrier.
- D. No permittee may use, operate, or allow to be used or operated, any loudspeaker, public address system, radio, sound amplifier or other device in violation of the noise regulations contained in [title 5, chapter 8](#) of this code.
- E. The area in which the work of art is installed must comply with the Americans with disabilities act (ADA), the ADA accessibility guidelines for buildings and facilities (ADAAG) or regulations promulgated by the department of justice for ramps. (Ord. 2015-16, 4-7-2015)

Section XIV: That Title 7, Chapter 11, Section 7-11-14 of the Enid Municipal Code, 2014, is hereby amended to read as follows:

7-11-14: CITY COMMISSION REVIEW:

The ~~mayor and board of commissioners~~ Mayor and Board of Commissioners as needed shall review the provisions of this chapter to determine if the financial conditions of the cityCity necessitate a revision or elimination of the public art requirement for major cityCity construction projects. (Ord. 2015-16, 4-7-2015)

Section XV: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section XVI: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability

incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section XVII: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section XVIII: Codification. This ordinance shall be codified as Title 7, Chapter 11, Section 7-11-1 through 7-11-14 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this _____ day of _____, _____.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Linda S. Parks, City Clerk

Approved as to Form and Legality:

Andrea L. Chism, City Attorney