



CITY OF YACHATS ORDINANCE NO. 379
AN ORDINANCE PROVIDING FOR THE ACQUISITION,
DISPOSAL, AND REMOVAL OF CITY
PUBLIC ARTS COLLECTION

WHEREAS, the City of Yachats, through its City Council, has expressed a desire to encourage art in public places; and

WHEREAS, the City Council finds that the establishment of a Public Arts Committee will be beneficial in connection with the management of the City's works of public art; and

WHEREAS, the City Council desires to create a process under which recommendations by the Public Arts Committee on matters of public art will be presented to the City Manager and the City Council; and

WHEREAS, the City Council desires to create guidelines for the Public Arts Committee's recommendations regarding the selection and placement of art; and

WHEREAS, the City Council desires to establish a process for public art acquisition and location that is conducted in open and transparent meetings;

NOW, THEREFORE, THE CITY OF YACHATS ORDAINS AS FOLLOWS:

SECTION 1. Definitions.

For purposes of this ordinance related to the process, standards and guidelines for the acquisition and placement of works of art by and within the City of Yachats, the following definitions shall apply:

A. Work of Public Art. Artwork owned by the City of Yachats, which may include, but is not limited to:

- (1) Sculptures, a combination of materials that are freestanding, wall-supported or suspended; or

- (2) Murals, drawings, photographs, prints, calligraphy, painting or a combination of materials in display; or
- (3) Earthworks, fibers, neon, glass, mosaics, and any combination thereof;
- or
- (4) Furnishings, outdoor fixtures of unique composition or limited edition such as gates, railings, signage, seating and the like.

B. City of Yachats Public Art Collection. The collected Works of Public Art that are owned and maintained by the City.

C. Acquisition. Inclusion of a specific piece of art into the City of Yachats Public Art Collection by means of one of the following:

- (1) Purchase;
- (2) Commission; or
- (3) Acceptance of gift.

D. Disposal. Divestment of a Work of Public Art by the City by exchange, donation or sale.

E. Removal. To remove a Work of Public Art from public display.

SECTION 2. Establishment of Public Arts Committee.

A. Composition. The Public Arts Committee shall consist of five members who are appointed by the Mayor and confirmed by the City Council. The preferred composition of the Committee shall consist of a representative from each of the following segments of the local community: local artists, the business community, and citizens who reflect the interests and diversity of the community at large.

B. Role. The Public Arts Committee is charged with providing recommendations to the City Manager and City Council for strategic planning and advice as to the appropriateness of local public art considerations.

C. Terms. The five members of said Committee shall each serve a term of three years, ending on December 31 of the third year of their term, or until a successor is appointed and qualified. The City Council is authorized to adjust the lengths of the initial terms of office so that the terms the five Committee members will expire in different years.

SECTION 3. Acquisition of Works of Public Art.

A. Manner of Acquisition. The City Council or City Manager, following a recommendation by the Public Arts Committee, may acquire a Work of Public Art by any of the following means:

- (1) Purchase with designated funds in conformity with the relevant provisions of the Yachats Municipal Code.
- (2) Commissioned with designated funds in conformity with the relevant provisions of the Yachats Municipal Code, including those regulating public contracting.
- (3) Acceptance of a donation, provided that the City will not guarantee continuous public display of a donated work of art.

B. Criteria for Acquisitions. The Public Arts Committee shall submit recommendations to the City Manager regarding the acquisition of Works of Public Art. If the artwork cost is above the City Manager's designated spending authority, the City Manager shall present the Public Arts Committee's recommendation to the City Council. The Public Arts Committee's recommendations shall be based upon consideration of the relevant provisions of the following criteria:

- (1) Quality. The work of art should be of exceptional quality and enduring value.
- (2) Site. The work of art should enhance the character of its intended site with consideration given to scale, color, material, texture, content, and the social dynamics of the location.
- (3) Cost. The cost of the artwork and its installation.
- (4) Maintenance and Durability. The cost to maintain the work of art.

- (5) Medium. The form of visual medium, subject to any other relevant law or ordinance.
- (6) History. The historical, natural features and the relationship to the proposed or existing site.
- (7) Public Liability. Likelihood of causing risk or other potential liability to the City.
- (8) Diversity. Representation of cultural diversity is encouraged.
- (9) Vision. Consistency with or support for the City's goals, policies and vision.

C. Siting Works of Public Art. The City Council or City Manager, as appropriate, and after consideration of the recommendations of the Public Arts Committee, shall select the site for a Work of Public Art. Said determination shall take into account the relevant provisions of the following criteria:

- (1) Ownership. Public Art, when feasible, should be placed on a site owned by the City.
- (2) Visual accessibility. Works of Public Art should be visually accessible to the public.
- (3) Enhancement of public spaces. Works of Public Art should enhance the overall public environment.
- (4) Pedestrian accessibility. Works of Public Art should be accessible to high levels of pedestrian traffic, particularly public walkways.
- (5) Circulation. Works of Public Art should not block windows, entryways or obstruct normal pedestrian or vehicular traffic.
- (6) Scale. Works of Public Art should not be placed in a site that is inappropriate in scale with the adjacent architecture or other features.

Artworks of minor value and that are used for decoration in or upon City facilities shall be displayed at the direction of the City Manager.

SECTION 5. Removal or Relocation of Works of Public Art.

A. The City Manager is authorized to remove from public display a Work of Public Art, taking into consideration the recommendation of the Public Arts

Committee. The Public Arts Committee shall consider the following criteria in making its recommendation:

- (1) Damage or destruction of the work of art such that repair is impracticable.
- (2) The site for the artwork has become unsuitable or inappropriate due to inaccessibility to the public or damage or destruction of the site.
- (3) The artwork has demonstrated fault of design or workmanship.
- (4) The artwork causes excessive or unreasonable maintenance.
- (5) The artwork presents a physical threat to public safety.
- (6) The Public Arts Committee finds a significant portion of the community that the artwork is offensive or has become offensive to a group in the community.

B. Relocation of presently owned or previously acquired Works of Public Art shall follow the same process as for newly acquired art, as prescribed in Section 3 C. If the Public Arts Committee finds that a Work of Public Art is better suited to a location that is currently occupied by another artwork, the Public Arts Committee may recommend that the current artwork be relocated or removed.

PASSED and approved by the City Council on the 18th day of February 2026.

	YES	NO	NOT PRESENT
Craig Berdie, Mayor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mary Ellen O'Shaughnessey	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Catherine Whitten-Carey	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Barry Collins	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nicole Hedlund	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Craig Berdie, Mayor

Attest by:

Bobbi Price, City Manager