

City of Madison Parks – Private Art Policy

Approved by the Board of Parks Commissioners on (date) through (File ID number)

Policy:

Private Art is not allowed in City of Madison Parks, unless authorized through one of the two procedures below. This policy does not apply to the Olbrich Botanical Gardens.

This policy does not address how Public Art (defined below) is placed in a City Park.

Purpose: The purpose of this policy is to explain what is meant by Private Art and explain when and how it can be displayed in a City park.

Definitions: The following definitions are for use in this Parks policy only:

“Private Art” means any artwork (such as painting, sculpture, photos, other forms of visual art, interpretive signs, signs that explain or relate to the art, music or auditory features) that is not owned by the City or is not MAC Approved Art as defined below.

“Public Art” means artwork that is owned by the City of Madison, or MAC Approved Art defined below.

“MAC Approved Art” means art selected or funded through one of the following City of Madison Arts Commission (MAC) [Public Art programs](#):

- BLINK projects approved by the Madison Arts Commission (MAC)
- AIPP (Art in Public Places) art which becomes part of the Municipal Art Collection
- Municipal Art Collection – art commissioned and paid for by the City and approved by MAC
- Percent for the Arts

For purposes of this policy, artwork that receives funding through [MAC’s Annual Grant Program](#), and not under one of the 4 programs listed above, is considered Private Art subject to the procedures below. This is because art funded through the Annual Grant Program does not become part of the City’s public art collection and remains owned by the grantee/artist. This does not mean it can never be placed in a City park, but it must go through the Private Art procedure below.

MAC Approved Art is Public Art and can be approved for placement in a Park through other procedures that are not addressed in this policy.

REQUESTS FOR PRIVATE ART IN PARKS:

1. Private Art displayed as part of a permitted Special Event.

Private Art may be displayed in a park as part of an approved event that receives a permit through one of the Parks Division’s [Special Event permits](#).

Requirements for Private Art displayed during an approved Special Event:

- A. Private Art installations must be displayed in conjunction with an event, the art installation cannot be the event itself.
- B. Private Art installations must be displayed only during the dates and time periods approved on the permit (including approved set up and tear down times.)
- C. Private Art installations must be displayed within the geographical areas defined on the permit.

- D. The art should be mentioned on the approved permit (such as, the location(s) where it will be displayed, quantity, other physical specifications.)
- E. The method of display and physical features of the art must comply with all ordinances, rules and requirements for safety of events in a Park. (For example, no open flames, must have approval to dig or place footings, etc.)
- F. Approving a permit for an event that includes Private Art is not an endorsement of the message. The body or staff charged with approving the permit shall not consider the content, message, or artistic merit of the art and shall not condition its approval (or denial) on any of those things.

2. Private Art displayed as part of a written contract or agreement with the City for use of park space or facilities.

(Examples: the contract for the ballpark at Warner Park, contracts to operate boat rentals, contracts for complex annual events, MOUs with the Parks Foundation pursuant to its Cooperative Agreement with the City.)

Private Art may be displayed within the space controlled by a contract/agreement, if:

- a. The Private Art installation is part of a use, activity or program authorized in the contract.
- b. The method of display and physical features of the art must comply with all ordinances, rules and requirements for safety in a Park. (For example, no open flames, must have approval to dig or place footings, etc.)
- c. The body or staff charged with negotiating or approving a contract that includes Private Art shall not consider the content, message, or artistic merit of any such art and shall not condition the approval of such agreement/contract on any of those things.

The above two procedures are the only options for the Parks Division to authorize Private Art in a park.

No endorsement of message. The City of Madison and Park Commission make no endorsement of the message or viewpoint of any Private Art displayed under this policy, and express no opinion about the art one way or the other. The viewpoints expressed by Private Art under this policy are those of the artists, event sponsors or contract holders, and not of the City of Madison or the Park Commission.

Unauthorized Art. Any art found in a park that is not authorized by this policy or another applicable procedure will be considered lost property under section 8.44 of the Madison General Ordinances and the City's Lost Property Policy. If the art is able to be saved, the Parks Division will hold it for a period of 45 days. Unauthorized art that is installed in a manner that is not removable (e.g., painted on a wall or fence) will be managed in accordance with MGO 23.06, Damage to Property, and the Parks Division has the right to restore the Park property to its original condition. The City shall not be responsible for any damage to unauthorized art.

Other Park Amenities: Signs and other amenities, objects, or installations owned and placed by the City that include elements of art or speech are expressions of government speech of the City of Madison and not considered Private Art. For example, interpretive signs that provide factual information related to the park, or its use, or directly related to Parks' mission, with content approved by Parks staff, are government speech and not subject to this policy, whether donated to or purchased by the City. Staff are responsible for ensuring compliance with applicable city ordinances.