

Ordinance 2014-10

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING, SUPPLEMENTING AND REVISING CHAPTER 2,
“ADMINISTRATION,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN, NEW JERSEY,” IN ORDER TO ESTABLISH A “CULTURAL ARTS COMMISSION.”**

WHEREAS, the Hightstown Borough Council believes that it would be in the best interests of the Borough to establish a “Cultural Arts Commission” in accordance with the provisions set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Chapter 2, entitled “Administration,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended, supplemented and revised in order to establish the following provisions:

CULTURAL ARTS COMMISSION.

1: Goals and Purposes; Establishment of Commission.

- A. The development of artistic and cultural appreciation and expression is an important consideration in the progress and growth of our society. Its pursuit through the presentation of cultural/artistic events and programs, and establishment of art installation sites and venues is declared to be a significant goal benefiting Hightstown residents, both adult and child alike. In order to achieve this goal and all related purposes, the Hightstown Borough Council herewith establishes this Cultural Arts Commission.

2: Composition; qualifications; Chairperson; terms.

- A. Membership qualification. The Cultural Arts Commission shall be composed of nine (9) members and up to four (4) alternates, designated as “Alternate No. 1” and “Alternate No. 2,” etc., who shall meet the following criteria:
 - a. Each member of the Commission shall be appointed by the Borough Council.
 - b. One member of the Commission shall be a member of the Parks & Recreation Commission; one member shall be a member of the Peddie School Staff; and one member shall be a member of the Hightstown-East Windsor Regional School Staff or Board of Education. These members shall serve one-year appointments.
- B. Chairperson and members; terms of office.
 - a. The Commission shall designate one of its members to serve as Chairperson and presiding officer of the Commission.
 - b. The Commission shall appoint a secretary and other officers as it deems necessary and appropriate.
 - c. The terms of office of the first Commissioners shall be as follows:
 - i. Three members as set forth in §2A.b. above for one year terms.

- ii. Three members who are artists or affiliated with art organizations, but not necessarily residents of Hightstown, for two year terms.
 - iii. Three members who are residents of Hightstown and hold an appreciation for the arts for three year terms.
- d. Up to four alternate members for one year terms with half of this number composed of youth members as defined below. The remaining alternate members shall satisfy the criteria of either §2B.c.ii. or §2B.c.iii. above.
 - i. Youth members shall be aged 15-18 and shall be students at either Hightstown-East Windsor Regional High School or the Peddie School.
- e. The Parks & Recreation Commission member appointed to serve on this Commission shall not be appointed beyond the expiration of his/her term of office as a member of the Parks & Recreation Commission.
- f. The successors of the first Commissioners shall be appointed by the Borough Council and shall serve for terms of three years except for those members appointed annually pursuant to §2A.b. above and except for the four alternates who shall be appointed for one-year terms.

3: Removal and Vacancies.

- A. The Borough Council may remove any member of the Commission for cause after written charges have been served upon the member and after a hearing on such charges.
- B. In the event of a vacancy occurring on the Commission other than by expiration of a term, such vacancy shall be filled for the unexpired term in the same manner as an original appointment.
- C. All Commissioners are expected to attend all of the meetings of the Cultural Arts Commission. Three or more unexcused absences within one calendar year may result in a recommendation by the Cultural Arts Commission to the Borough Council that the Commissioner be removed from office.

4: Duties, obligations and responsibilities.

The Hightstown Borough Cultural Arts Commission shall have the following duties, obligations and responsibilities:

- A. Prepare and maintain a Public Art Master Plan (PAMP), which shall consist of two sections:
 - a. *Standard Operating Procedure.* This section describes, in a step-by-step manner, the “who, what, where, how and when” of art in public places. This includes, but is not limited to, guidelines related to the selection and placement of public art within the Borough (including the acquisition of works of art by the Borough), the pooling and appropriation of available funding for public art, the conservation of artwork, and the process generally for the development of public art within the Borough (including who is involved in the various phases thereof).
 - b. *Plan for the Geographic Placement of Public Art.* This section grows out of the recognition that to be effective, a public art placement program must take a comprehensive, coherent view of the Borough as a whole. By so doing, high quality art that appropriately reflects the Borough’s history, persona, and aspirations can be selected. This plan shall include, but not be limited to:
 - i. Location maps with future recommended site placements throughout the Borough, both on municipally-owned property (as approved by the Borough Council) and private property (as approved by the property owner).
 - ii. Insert maps or photos documenting specific sites and the criteria for what types of works should or should not be placed in those locations.
 - iii. Locations that are particularly suited to a specific theme, such as Hightstown’s history, an important person of Hightstown, etc.
- B. Develop and implement a public education component which enhances the community’s understanding and enjoyment of works of art and the creative process from which they were derived.

- a. Provide information on all artwork projects.
 - b. Initiate public education programs to develop a greater awareness of Hightstown Borough's public art community.
 - c. Co-sponsor educational outreach programs in the area schools to include public art components.
 - d. Maintain documentation relating to public art.
- C. Advise and make recommendations to the Borough Council relating to the acquisition and/or placement of works of art on municipally-owned lands, or as to any other matters as requested by the Borough Council.
 - D. Advise and make recommendations to the Planning Board relating to the inclusion of matters relating to public art within the Borough's Master Plan, or as to any other matters as requested by the Planning Board.
 - E. Consult with private property owners relating to the placement of works of art on private property.
 - F. The Commission may solicit, encourage and support the activities of all nongovernmental entities which are organized for purposes similar to that of the Commission and endeavor to coordinate the activities of those entities for the benefit of all Hightstown residents.
 - G. The Commission may prepare, print, advertise and distribute any books, maps, charts, plans and pamphlets, which, in its judgment, it deems necessary to advance its purposes, subject to the budgetary parameters available to the Commission.
 - H. The Commission may apply for any grants appropriate for its purposes, subject to Borough Council approval. In pursuance of its aims and purposes, the Commission may solicit and/or receive gifts or bequests of real or personal property, subject to Borough Council approval. Income derived from donations shall be deposited in a trust account, maintained by the Borough's Chief Financial Officer, for the benefit of the Cultural Arts Commission and shall be dedicated for the benefit of that Commission. Expenses and disbursements shall be requested through the Borough's Chief Financial Officer in accordance with statutory procedures and municipal regulations.
 - I. The Commission may, as deemed necessary and/or appropriate, appoint subcommittees in special areas of dance, art, music, theater and/or other artistic pursuits.
 - J. The Commission may, as deemed necessary and/or appropriate, conduct cultural events or sponsor trips to such events such as art exhibits, plays, concerts, dance recitals, and other similar activities for the benefit of the residents of Hightstown Borough and the general public. The Commission may also develop programs involving cultural, artistic, musical, dramatic, dance, educational and other expressive artistic pursuits for the benefit of Hightstown residents and the general public.
 - K. The Commission may accept works of art on a temporary basis, for a length deemed appropriate by the artist and the Commission in accordance with the following:
 - a. The artist is responsible for all aspects of the installation of the work of art and is accountable to the Commission. Contracts shall stipulate all aspects of responsibility for installation.
 - b. The Commissioners will work with the artist to coordinate all aspects of installation.

5: Records and Annual Report.

- A. The Commission shall keep records of its meetings and activities and shall make quarterly reports to the Borough Council.

6: Appropriation; limitation on appointment of Commission.

- A. The Borough Council may appropriate such funds as it deems necessary for the expenses to fund the budget prepared by the Commission.
- B. Any expenditures of the Commission shall be within the limits of the funds available to the Commission.

Section 2. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 3. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 4. This Ordinance shall take effect following final passage and publication in accordance with the law.

Introduced: May 5, 2014

Adopted: May 19, 2014

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor