

ART AND MONUMENTS DONATION POLICY

1.0 POLICY STATEMENT

The City of Hamilton recognizes the importance of its public spaces and that Donations of art, memorials and other commemorative features by individuals, private sector groups, or community groups can add to the enjoyment of these spaces and to the understanding of the community's collective culture.

2.0 PURPOSE

To outline the terms and criteria by which the City of Hamilton may evaluate and accept a Donation by an individual, private sector group, or community group of an Artwork or Commemorative Feature for long term installation outdoors on City owned publicly accessible property.

To provide guidance to staff to implement a Donation process to guide the evaluation and Council's consideration of recommended art and monuments Donations.

3.0 DEFINITIONS

Artwork or Commemorative Feature

A work of art, signage, monument, marker, statue, or other such feature that is intended to memorialize, celebrate or in some other way signify an event, individual, group or organization, exclusive of commemorative or memorial features that are subject to the processes and policies of the Parks & Cemeteries Section of the Public Works Department.

The Donation of an interpretive panel (or series of panels) is not covered by this Policy. See the <https://www.hamilton.ca/attractions/culture/plaques-and-markers>

Donation

Artworks or Commemorative Features given to the City of Hamilton as a gift bequeath or sponsored acquisition.

Donor

Individual, private sector or community group who wishes to donate Artwork or Commemorative Feature to the City of Hamilton.

4.0 DONATION CRITERIA

The following criteria shall be considered in determining whether a Donation is accepted:

4.1 Relevance

- The Donation has relevance to the citizens of Hamilton, to the proposed site and its surroundings, including considerations of scale, architecture, topography, history and the physical and social dynamics of the community in which the Artwork or Commemorative Feature will be placed.
- The subject matter of the Donation and the characterization of that subject matter are factually correct and historically appropriate.
- The Donation will remain relevant over time
- The Donation shall generally not replicate an existing monument or memorial in the public realm in the City of Hamilton pertaining to the same theme.
- Where the Donation relates to recent events or recently deceased individuals, at least five years have passed since the date of the event or death.
- The Donation does not promote or endorse a current commercial product, service or business other than recognition of the Donor's name on an information plaque or label.

4.2 Location

- The location is accessible to citizens as defined by current provincial and City regulations.
- The Donation is compatible with other uses of the public space in which it is proposed to be located.
- The location is feasible to allow access to install the proposed Donation.
- The location can adequately accommodate any ceremony or event(s) proposed as a result of the display of the Artwork or Commemorative Feature.

4.3 Durability

- The materials and installation methods proposed will be durable in the outdoor Canadian environment and other urban conditions.
- The design and installation minimize ongoing maintenance requirements by considering design features that deter graffiti, allow for easy graffiti removal and minimize any other possible environmental damage.
- The Donation is in good condition at the time of installation.

4.4 Public Safety

- The design and installation are stable and secure and maximize public safety by discouraging climbing, and minimizing trip hazards, sharp edges, light reflectiveness, and motorist distraction in addition to addressing any other project specific safety or security concern.

4.5 Legal

- The Donor has the legal authority to donate the work and is in compliance with all other applicable bylaws, policies, guidelines and provincial or federal legislation and regulations that may apply.

5.0 FINANCIAL

All costs associated with the preparation of the Donation proposal, evaluation of the proposal, approval, acceptance and installation of the Donation (excluding City staff time) shall be funded in whole by the Donor unless otherwise agreed to by City Council.

The Donor shall make a financial contribution to the City in an amount to be determined by City staff to offset the costs of ongoing maintenance of the Donation unless otherwise agreed to by Council.

6.0 TITLE

All rights, title and interest in and to the Donation shall be assigned to the City of Hamilton unless otherwise approved by City Council, excluding intellectual property rights, when appropriate.

The Donation may be relocated, altered, removed to storage or disposed of if conditions change in such a way that the Donation is no longer in compliance with this policy as determined at the sole discretion of the City of Hamilton.

7.0 AUTHORITY

The Director of Tourism and Culture or their designate shall oversee the process to evaluate a Donation and if the Donation is determined to satisfy the requirement of this policy a recommendation that the Donation be accepted and installed will be made to the appropriate committee of Council for consideration.

8.0 DONATION EVALUATION PROCESS

Proposed Donations of Artworks or Commemorative Features for long term installation on outdoor City of Hamilton property shall be evaluated as outlined in the Art and Monuments Donation Process.