

ORDINANCE NO. 2024-15

AN ORDINANCE AMENDING SECTION 1201 OF THE CODE, ENTITLED "WORDS AND TERMS DEFINED" FOR PUBLIC ART

WHEREAS, the Borough of Flemington seeks to promote art and culture and enhance its unique character;

WHEREAS, the Borough adopted Ordinance 2023-25, which created the Public Art Committee and established land use standards for the installation of public art;

WHEREAS, the Borough finds that the term "public art" should be defined in order to provide clarity to those considering an at installation, provide clarity as to the scope of the Public Art Committee, and ensure consistency as to the type of art installations subject to review by the Public Art Committee;

NOW THEREFORE IT BE ORDAINED, the Borough Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 12 of the Code of the Borough of Flemington (the "Code"), entitled "Land Development Definitions," is hereby amended and supplemented as follows:

Section 1. Section 1201 of the Code, entitled "WORDS AND TERMS DEFINED" is hereby amended (additions are shown as thus; deletions are shown as ~~thus~~);

Public Art

All forms of visual art and crafts, including but not limited to sculpture and murals, whether freestanding and/ wall supported or mounted, that are visible from a public or private street or public park, and that will be displayed for more than two weeks. Public art may be permanent, temporary, fixed, or portable; may be an integral part of a building, facility, or structure; and may be integrated with the work of other design professionals.

Public Art shall exclude the following:

- Structure or portions thereof that meet the definition of a sign, pursuant to Section 1201 of the Borough Code. Public art shall not be deemed a sign unless the name of the business is included in the public art.
- Structure or portions thereof on one and two family home properties that exceed either four (4) feet in height or three (3) feet in width.
- Structure or portions thereof on properties other than one and two family home properties that exceed either three (3) feet in height or two (2) feet in width.
- Typical structures for the use of the property that serve a function, such as but not limited to mailboxes, light fixtures, play equipment, fountains, planters, signs and sign support structures.

- Landscape and garden features such as, but not limited to, topiaries and plant supports.
- Structures or portions thereof that are on display for less than two weeks.
- Structures or portions thereof that are on display for the purpose of an annual holiday.

Section 2. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

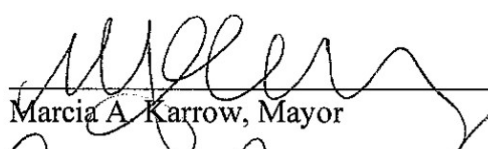
Section 3. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

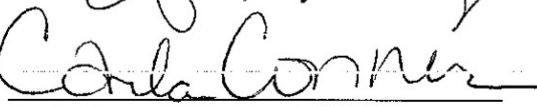
Introduced: June 10, 2024

Adopted: June 24, 2024

ATTEST:



Marcia A. Karrow, Mayor



Carla Conner, Borough Clerk