



**CITY OF RAPID CITY**  
RAPID CITY, SOUTH DAKOTA 57701-2724  
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**MEMORANDUM**

TO: Mayor and City Council

FROM: Joel P. Landeen, City Attorney

DATE: 2-26-2016

RE: Summary of Ordinance Designating the Rapid City Fine Arts Council as the Entity Responsible for the Management and Coordination of Artistic Activities in Art Alley

The property owners adjacent to Art Alley have raised concerns over the current state of the alley, the quality of the art within the alley, and the lack of any control over what is going on in the alley or with their property. Art Alley has become an attraction in downtown and is promoted in literature produced by the CVB on attractions in Rapid City. Art Alley evolved organically with little to no control and as a result, there is a pervasive belief by many people in the community that they are free to do whatever they want on the private property adjacent to the alley. Few if any people doing work in the alley obtain permission of the property owners whose buildings are serving as their canvass. Because of the unique nature of the area, the RCPD is not in a good position to effectively determine who should be cited for vandalism and who should not. If the City would like to see Art Alley continue, something needs to be done to help the property owners regain control of their buildings. The Rapid City Fine Arts Council has been working with the property owners on coming up with a solution that will address the current issues. Through these discussions a plan was developed to have the Arts Council administer a voluntary permit program on behalf of the building owners. Buildings could choose to participate or not. No property will be required to allow art work on their property. The Arts Council has developed policies, a permit document, and a liability waiver that are attached to this summary. Anyone wishing to place art work on the private property adjacent to the alley will be required to obtain a permit and follow certain rules. Under this system the RCPD would be able to clearly identify who has permission to place work or paint on a building and who does not. The use of permits will provide the RCPD with the tool it needs to crack down on graffiti and those defacing property without permission. The property of people not participating in the program would also be clearly defined so the RCPD could cite people defacing those buildings as well. Between the permit system and the ability of the RCPD to easily and effectively determine who

has permission to do work and who is a vandal, the hope is Art Alley can be brought back under control and the quality of the art in the alley will improve. Many, but not all, of the property owners support the plan. A list of property owners who support this proposal has been attached. The purpose of this ordinance is to provide the Art's Council with authority to pursue this plan.