

PUBLIC ART

**CHAPTER 32**

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## PUBLIC ART

### **32.01. PURPOSE.**

The Common Council finds that public works of art are an important component of community development. Public art creates an aesthetically pleasing and interesting environment, builds community, marks history, expresses local culture, and establishes local identity. The City has a legitimate governmental interest in furthering these objectives. This chapter is created to create a mechanism to implement the City's commitment to the promotion, creation and maintenance of public works of art.

### **32.02 DEFINITIONS.** The term:

- (1) "Artist" means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, exhibition record, publications, and production of artwork.
- (2) "Art" means any object, performance, sound or writing subject to aesthetic evaluation, but not including architecture.
- (3) "Public Art" means art existing upon public property freely accessed by the general public during the normal hours of operation of the public premises upon which the art is located.

### **32.03 PUBLIC ARTS FUND.**

- (1) There is hereby created a segregated, non-lapsing Public Arts Fund which shall be used for no other purpose than to fund the promotion, creation and maintenance of public art approved under this chapter.
- (2) Absent specific written direction by resolution or, in the case of donated funds, absent specific written agreement with the donor, no funds placed in the Public Arts Fund shall be considered dedicated to any specific project unless and until the City is contractually obligated to carry out a specific project and may be subject to reallocation under subsection (4).
- (3) Except as provided under subsection (4), no funds shall be disbursed from the Public Arts Fund without approval of the Common Council.
- (4) No funds placed in the Public Arts Fund shall be used for any purpose other than to purchase public art or otherwise promote the purposes of this ordinance in accordance with the Public Arts Master Plan unless a resolution for the reallocation of funds is approved by a three-fourths (3/4) vote of the members of the Common Council after consideration of the recommendation of the

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Public Arts Committee and Finance Committee. No funds acquired by private donation may be reallocated under this section where such reallocation is prohibited by written agreement.

### **32.04 PUBLIC ARTS MASTER PLAN**

The Public Arts Committee shall prepare and approve a Public Arts Master Plan to guide the City's use and management of the Public Arts Fund. The Public Arts Committee may approve recommended amendments to the Public Arts Master Plan. The Public Arts Master Plan and any amendments thereto shall be approved by the Common Council. The Public Arts Master Plan shall:

- (1) Establish policies for the acquisition, placement and maintenance of public art on public property.
- (2) Establish policies to promote public performances and public exhibition of the visual, performing and literary arts.
- (3) Establish guidelines for the selection of artists or particular works of art.
- (4) Identify, plan, prioritize and establish preliminary cost estimates for public art projects.
- (5) Establish policies to promote art education including the significance of particular works of public art and the value of public art generally.”