

## CHAPTER 7-2. - ART IN PUBLIC PLACES.

### § 7-2-1 - DEFINITIONS.

In this chapter:

- (1) ART means a work of art or an artistically designed art feature that enhances the aesthetics of a building, bridge, streetscape, park, or other project for which funds are appropriated as described in this chapter and includes a mural, sculpture, garden, water feature, or other feature that appeals to the senses or the intellect.
- (2) PROJECT means a capital project funded in whole or in part by the City:
  - (a) to construct or remodel a building, decorative or commemorative structure, or parking facility;
  - (b) to acquire parkland or to develop a park;
  - (c) for a street improvement project, other than street repair or reconstruction;
  - (d) for an improvement to a streetscape;
  - (e) for a bridge including the incorporation of an artistic feature into the structural design;
  - (f) for a water or wastewater treatment facility; or
  - (g) that is an appropriate project for art as recommended by the Art in Public Places Panel and Arts Commission and approved by the city council.
- (3) CONSTRUCTION COST means the cost of a project to the City as determined in accordance with Section 7-2-4 (*Construction Cost Calculation*).
- (4) STREETSCAPE means an improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture.

*Source: 1992 Code Section 9-2-1; Ord. 031009-10; Ord. 031211-11.*

### § 7-2-2 - ART IN PUBLIC PLACES ADMINISTRATOR.

The director of the Economic Growth and Redevelopment Services Office shall designate an art in public places administrator to perform the functions described in this chapter.

*Source: 1992 Code Section 9-2-2; Ord. 031009-10; Ord. 031211-11.*

### § 7-2-3 - ART IN PUBLIC PLACES PANEL.

The Arts Commission shall appoint an Art in Public Places Panel to perform the functions described in this chapter.

*Source: 1992 Code Section 9-2-3(A); Ord. 031009-10; Ord. 031211-11.*

§ 7-2-4 - CONSTRUCTION COST CALCULATION.

(A) In this section:

- (1) DEBT ISSUANCE COST means the cost to the City to issue bonds for a project.
- (2) DEMOLITION COST means the cost to remove a building or other existing structure from a project site.
- (3) EQUIPMENT COST means the cost of equipment or furnishings that are portable or of standard manufacture and used in a project. The term excludes equipment or furnishings:
  - (a) that are custom designed; or
  - (b) that create a new use for a project.
- (4) PERMIT AND FEE COST means the cost of the permits and fees associated with a project.
- (5) REAL PROPERTY ACQUISITION COST means the cost to acquire land, including an existing building or structure, for a project, including appraisal and negotiation costs.

(B) Except as provided in Subsections (C) and (D), construction cost is the cost of a project to the City after deducting:

- (1) debt issuance cost;
- (2) demolition cost;
- (3) equipment cost;
- (4) permit and fee cost; and
- (5) real property acquisition cost.

(C) In calculating the construction cost of a project to acquire or develop parkland, the real property acquisition cost is not deducted.

(D) If the source of funding or the law governing a project does not permit an expenditure for art, the affected funds are excluded from the calculation of construction cost.

*Source: 1992 Code Section 9-2-1 and 9-2-2(A); Ord. 031009-10; Ord. 031211-11.*

§ 7-2-5 - FUNDING FOR ART.

(A) Except as otherwise provided in this section, the council shall appropriate an amount equal to at least two percent of the construction cost of a project to select, acquire, and display art. The appropriation shall be a separate item in the project budget. This limitation does not apply if the council determines, after receiving a recommendation from the Arts Commission, that the project merits or requires a greater appropriation.

(B) Subsection (A) does not apply to a project with a construction cost of less than \$100,000.

(C) An appropriation under this section may not exceed \$300,000 for a water and wastewater

treatment facility.

- (D) If the council determines that a project is inappropriate for a display of art, the council shall transfer to the Public Art Fund for use at other appropriate public sites the amount of money required by this section. This does not authorize the transfer of money from one project to another if a legal restriction on the source of money prohibits the transfer.

*Source: 1992 Code Section 9-2-2; Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-6 - BUDGET ESTIMATES.

A City department head who prepares a budget, authorization request, or appropriation request for a project shall:

- (1) consult with the art in public places administrator; and
- (2) include in the budget or request the funding for art required by Section 7-2-5 (Funding For Art).

*Source: 1992 Code Section 9-2-2(A); Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-7 - PROJECT REVIEW AND ART RECOMMENDATIONS.

- (A) Subject to the limitation of Subsection (B), the Art in Public Places Panel shall, with the advice of the art in public places administrator, review a project and make recommendations to the Arts Commission regarding appropriations for art and placement of the art.
- (B) The Art in Public Places Panel may not recommend proposed art that requires extraordinary operation or maintenance expenses without the prior approval of the director of the department responsible for the art after installation.
- (C) The Arts Commission shall review the recommendations of the Art in Public Places Panel and make recommendations to the city manager or the council, as appropriate.

*Source: 1992 Code Section 9-2-3(B) - (E); Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-8 - GUIDELINES.

- (A) The Arts Commission shall establish guidelines for the implementation of this chapter. The commission shall consult with the Art in Public Places Panel and the art in public places administrator before establishing the guidelines.
- (B) The guidelines shall include methods to:
  - (1) determine whether a project is inappropriate for the display of art;
  - (2) integrate art into a project;
  - (3) identify suitable art objects for a project;
  - (4) competitively select art;

- (5) select and commission artists;
- (6) encourage the preservation of ethnic cultural arts and crafts;
- (7) facilitate the preservation of art objects and artifacts that may be displaced by a project; and
- (8) administer this chapter.

*Source: 1992 Code Section 9-2-3(F); Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-9 - ART PLACEMENT.

The art funded by this chapter shall be an integral part of the project or be placed in, at, or near the project.

*Source: 1992 Code Section 9-2-2(C) and 9-2-4; Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-10 - ART MAINTENANCE.

- (A) The City department at which art is displayed is responsible for maintenance of the art.
- (B) The responsible City department shall obtain the approval of the art in public places administrator before performing art maintenance.
- (C) The responsible City department shall perform art maintenance in accordance with the City's contractual obligations relating to the art, if any.

*Source: 1992 Code Section 9-2-3(G); Ord. 031009-10; Ord. 031211-11.*

#### § 7-2-11 - FEE WAIVERS.

The following fees, as set by the City's annual fee ordinance, for a City-sponsored art project are waived:

- (1) Temporary Use of Right-of-Way Fee;
- (2) Excavation Fee;
- (3) Special Events Fee;
- (4) License Agreement Fee;
- (5) Site Plan Review Fee;
- (6) Site Exemption Review Fee;
- (7) General Permit Fee;
- (8) Building Permit Fee;
- (9) Electrical Permit Fee;
- (10) Plumbing Permit Fee;
- (11) Historic Review for Building Permit Fee;
- (12) Tree Permit Fee.

*Source: Ord. 20111103-010.*

§ 7-2-12 - TITLE TO ART.

Title to art required by this chapter shall vest in the City.

*Source: 1992 Code Section 9-2-5; Ord. 031009-10; Ord. 031211-11.*