

ARTICLE VII. - PUBLIC ART

Sec. 20-121. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Artwork means all forms of limited edition or one-of-a-kind original creations of visual art created by an artist, including, without limitation, painting, sculpture, photography, video, integrated artwork and event-based artwork. Artwork shall not mean the following, unless specifically authorized by the city council:

- (1) Directional elements, such as super-graphics, signage or color coding, except where these elements are integral to the original artwork;
- (2) Mass-produced design objects, such as decorative pavers or fountains;
- (3) Reproductions of artwork by mechanical means;
- (4) Decorative, ornamental or functional elements created by professionals other than an artist commissioned for this purpose; or
- (5) Landscape architecture or gardening, except for elements designed by artists as an integral part of the artwork.

Art in public places program or *public art program* means the program established pursuant to this article for the selection, acquisition, creation, installation, conservation, restoration, management, planning, decommission, community education and publicity of public art in the city.

Artist means a practitioner in the visual arts, generally recognized by his or her critics and peers as a professional who possesses serious artistic intent and ability.

Capital improvement projects means the following publicly-visible public works projects: city buildings, structures, drainage projects, parks, transportation streetscapes, multi-use pathways, transit and pedestrian amenities (such as bus shelters, sidewalks and shade structures), bridges and plazas.

Conservation means the process of maintaining, preserving and protecting artwork.

Event-based artwork means artwork of a temporary nature, which exists for a finite time, and that does not necessarily result in a city capital asset.

Integrated artwork means artwork that is incorporated directly into the architecture, site and/or landscape of a public place.

Public art or *public art collection* means publicly accessible artwork that is acquired by the city pursuant to the art in public places program.

Public places means property that is accessible to the public and over which the city has or may exercise control, whether or not the city owns the property in fee, and includes, without limitation, public buildings, public streets, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

Restoration means the process of returning artwork to its original condition, to the extent reasonably practicable.

Signature artwork means artwork of significant importance, which may be symbolic as a community cultural icon, which leaves a lasting impression on those who experience it, and which enhances the city's reputation as a leading arts and cultural community.

(Ord. No. 2054, § 2, 1-16-89; Ord. No. 3781, § 1, 5-20-08)

Sec. 20-121.1. - Reserved.

Editor's note— Ord. No. 3781, § 2, adopted May 20, 2008, repealed § 20-121.1, which pertained to public art program; sculpture pads. See also the Code Comparative Table.

Sec. 20-122. - Art in public places program.

- (a) *Purpose.* The city shall establish and fund the art in public places program, the purpose of which is to create and sustain a visual arts program of the highest caliber for the city's public places.
- (b) *Ownership.* The city shall own all public art acquired pursuant to the art in public places program.
- (c) *Placement.* The city may place public art in, on or about any public places.
- (d) *Duties.* The city shall, either directly or by delegation as authorized in this section:
 - (1) Determine a method or methods of acquiring existing artwork for the public art program;
 - (2) Determine a method or methods of commissioning artwork for the public art program;
 - (3) Determine a process for the conservation and restoration of public art;
 - (4) Determine a process for the decommissioning of public art; and
 - (5) Establish guidelines and procedures as necessary to facilitate the implementation of

the duties and functions in this article.

- (e) *Delegation of authority.* The city may enter into agreements with nonprofit corporations and other entities, including the Scottsdale Cultural Council, to perform some or all of the duties and functions described in this article when the city council deems it in the public interest to do so. This delegation may include the authority to expend funds for the acquisition, commission, conservation and restoration of public art, and operation and administration of the public art program.

(Ord. No. 2054, § 2, 1-16-89; Ord. No. 3781, § 3, 5-20-08)

Sec. 20-123. - Art in public places program; funding.

- (a) *Acquisitions.* The city shall expend an amount equal to one (1) percent of the city council approved budget of each capital improvement project for the commission and acquisition of public art. The one (1) percent expenditure shall include all costs and expenses directly related to the commission and acquisition of public art including, without limitation, project management, installation design services, and electrical, mechanical or other utility equipment necessary for operation of the public art.
- (b) *Conservation and restoration.* The city council shall provide an annual budget allocation for the conservation and restoration of the public art collection.
- (c) *Operation and administration.* The city council shall provide an annual budget allocation for the operation and administration of the art in public places program, which may include, without limitation, funding for event-based artwork and programs, education, planning, publicity, public involvement and related programs.
- (d) *Supplemental funding.* The city council may authorize the expenditure of supplemental funds for public art projects that warrant funding beyond the one (1) percent mandated in this section: (1) in the event of capital project modification; (2) for signature artwork; or (3) for community-initiated projects that have financial support from non-city sources.
- (e) *Art in public places capital account.* There exists in the city treasury a capital account designated "Art in Public Places," into which funds have been deposited under prior law, and shall in the future be used, for the commission and acquisition of public art. Disbursements from such account shall be made either directly by the city council, or authority for disbursements shall be granted by the city council to such entity as the city council may designate in accordance with section 20-122(e), in which case such disbursements shall be made in a manner and under such conditions as are set forth by contract, and no further city council approval is required.

(Ord. No. 2054, § 2, 1-16-89; Ord. No. 3781, § 4, 5-20-08)

Secs. 20-124—20-129. - Reserved.