

CHAPTER 1183

Public Art Regulations

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1183.01 PURPOSE.

The purpose of this Chapter is to establish standards and procedures for the integration of public art throughout the City of Willoughby.

(a) In furtherance of this purpose, these regulations establish:

- (1) A public art development fee requirement for private development.
 - (2) Use of the public art development fee as on-site installation for a private development.
 - (3) Requirements and review procedures for the installation of required public art on private property.
 - (4) Review procedures for the installation of all other public art on private property.
 - (5) The City of Willoughby public art collection, and policies and procedures for accepting and installing gifts and donations of public art on public property.
 - (6) The City of Willoughby public art fund.
- (b) To achieve these goals, consideration of public art should be integrated into project planning at the time of project applications to the Planning Commission and/or Design Review Board.
- (Ord. 2021-41. Passed 5-4-21.)

1183.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (a) "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, sale of works, exhibition record, publications, and/or production of art work.
- (b) "Artwork" means all forms of art created by an artist and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.
- (c) "City of Willoughby public art collection" or "City collection" means all artwork owned by the City of Willoughby or installed on City-owned property.
- (d) "City-owned property" means property, including right-of-way, owned and/or under the jurisdiction of the City or other public agency.
- (e) "Construction or alteration cost, final" means the actual cost to build a new structure or alter an existing structure as demonstrated by the final project cost accounting. The final construction costs shall be verified with a written declaration and signatures from the developer stating the amount is accurate.
- (f) "Construction or alteration cost, preliminary" means the estimated cost of construction or alteration cost as declared on building permit applications, and as accepted by the City's Building and Zoning Department. In no event shall the valuation be less than that determined by the Willoughby Building Department.
- (g) "Cost of artwork" means the total cost of design, manufacture, installation, and other related expenses as defined within this Chapter.
- (h) "Deaccession" means the procedure for the removal of an artwork.
- (i) "Developer" means the person or entity that is financially and legally responsible for the planning, development and construction of any development project covered by this Chapter, who may, or may not, be the owner of the subject property.
- (j) "Donor" means an individual, group, organization, or business that proposes a public artwork for donation and installation on City-owned property, and may include the artist(s) who created the proposed gift.
- (k) "Gift" means an existing or proposed artwork offered as a donation to the City for installation on City-owned property. Alternatively, a gift is a contribution to the public art fund, not including payment of a required public art development fee, for the purpose of acquiring public art for the City.
- (l) "Maintenance" means actions taken to delay or prevent damage to artwork by control of the environment and/or treatment of the artwork on a routine and long-term basis, and includes preservation of the artwork and, where applicable, of the lighting and surrounding landscaping, in good condition to the satisfaction of the City; and protection of the artwork against physical defacement, mutilation or alteration.
- (m) "Original Art Mural" means an original work of visual art produced by hand that is marked, etched, scratched, drawn, tiled or painted directly upon, or affixed directly to an exterior wall of a building and is visible from a public place.
- (n) "Public art committee" or "committee" means the committee established herein to provide review and recommendation to the Planning Commission, Design Review Board and Council on matters pertaining to this Chapter.
- (o) "Public art" means visual, performance, literary, media, and temporary artwork or any combination thereof displayed or performed at a public place.
- (p) "Public art development fee" means the fee assessed on proposed development projects according to the provisions of this Chapter.
- (q) "Public place" means any exterior area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area shall be clearly visible from adjacent City-owned property, such as a street, sidewalk, park or plaza.

- (r) "Required public art" means public art on private or public property permanently affixed to a structure or its grounds, or a combination thereof, including but not limited to sculpture, murals, photography, original works of graphic art, waterworks, fiberworks, neon, glass, mosaics, the cost of which has been approved to serve as credit toward the public art development fee.
(Ord. 2021-41. Passed 5-4-21.)

1183.03 PROGRAM ADMINISTRATION.

The following procedures are hereby established to administer procedures of this Chapter:

- (a) Public Art Committee. A Public Art Committee (PAC) shall be appointed by the Mayor and confirmed by City Council. This Committee shall be composed of five (5) to seven (7) Willoughby residents, who have demonstrated knowledge of and interest in the arts.
- (1) The Public Art Committee shall advise the Planning Commission, Design Review Committee and City Council in matters pertaining to public art installations, acquisitions and gifts, artwork maintenance, and, when necessary, artwork deaccession.
 - (2) At least one member of the Public Art Committee shall have a financial background to advise the City in the expenditure of Public Art funds.
 - (3) At least two members of the Public Art Committee shall by experience, training, education, occupation or avocation, be qualified to advise the City in the selection of artwork to be installed in public places.
 - (4) The Public Art Committee is authorized to adopt administrative rules to serve as additional guidelines for implementing this Chapter.
- (b) Applicability. These regulations govern the review and placement of public art installed in accordance with this Chapter, including:
- (1) Artwork installed in a public place on private property, including but not limited to required public art.
 - (2) Artwork donated to the City of Willoughby for placement on public property.
 - (3) Artwork purchased by the City of Willoughby for placement on public property.
- (c) Permit Required. No person shall place artwork, mural, graffiti, writing, paint or drawings of any inscription, figure, or mark of any type in a public place on any property unless the express written permission of the owner or operator of the property has been obtained and a permit has been issued as provided herein.
- (d) Public Art Fund.
- (1) All fees paid and gifts provided to the City pursuant to this Chapter, including required public art development fees and maintenance endowments, shall be placed into the Public Art Fund and maintained by the City.
 - (2) The Fund shall be used exclusively to:
 - A. Provide sites for public art;
 - B. Acquire or install public art on City-owned property;
 - C. Commission public art for a specific City-owned property; and/or
 - D. Maintain artwork in the City of Willoughby public art collection.
- (Ord. 2021-41. Passed 5-4-21.)

1183.04 PUBLIC ART DEVELOPMENT FEE REQUIREMENT FOR PRIVATE DEVELOPMENT.

- (a) Public Art Development Fee: Private nonresidential and multi-family developments, including building additions and renovations, with construction costs in excess of five hundred thousand dollars (\$500,000) shall be required to pay a public art development fee.
- (b) Fee Amount: The Building Department shall collect a public art development fee based on the total construction cost as defined in this Chapter. The fee will be based on .50% of the total construction costs as determined by the Chief Building and Zoning Inspector. The public art development fee shall be assessed as part of the building permit plan review.
- (c) Time of Collection: The Building Department shall collect the public art development fee before issuance of a building permit required by this Code.
- (d) Use of Public Art Development Fees: All public art development fees collected by the Building Department shall be deposited in the Public Arts Fund. Any fee paid into this fund shall be used only for the purpose of providing public art.
- (e) Development Activities Exempt from Public Art Development Fee Requirement: The public art development fee requirement shall not apply to the following development and project activities:
- (1) Development projects with construction cost of less than five hundred thousand dollars (\$500,000).
 - (2) Construction activities in the public right-of-way related to private development, including underground public works projects, street or sidewalk repairs, and tree planting or median landscaping.
 - (3) Remodeling, repair or reconstruction of a structure damaged by fire, flooding, wind, earthquake or other calamity.
 - (4) Development projects involving a municipal facility or institutional uses, such as churches, hospitals, and schools.
 - (5) Any development, construction, or alteration on the property that is solely owned or leased by a non-profit entity and used in furtherance of the owner's or lessee's legally recognized non-profit purpose.
- (Ord. 2021-41. Passed 5-4-21.)

1183.05 PUBLIC ART DEVELOPMENT FEE CREDIT; ELIGIBLE EXPENDITURES.

- (a) Public Art Development Fee Credit for On-Site Installation: As an alternative to paying the required public art development fee under this Chapter, the developer may install public art of an equivalent value on the development site when authorized by the Planning Commission and in accordance with the following criteria:
- (1) The cost of the public art's equivalent value may be credited against the required public art development fee on a dollar-for-dollar basis.
 - (2) Expenditures eligible for credit under this Section include, but are not limited to, artist's fees, labor and contracted services for installation, permit fees, and site preparations costs.
 - (3) Expenditures that are ineligible to be counted as credit toward the art development fee include, but are not limited to, promotional materials, dedication event costs, management expenses, land costs, and costs associated with identifying the artist.
- (Ord. 2021-41. Passed 5-4-21.)

1183.06 ON-SITE INSTALLATION OF REQUIRED PUBLIC ART IN PRIVATE DEVELOPMENT.

- (a) Location and Installation Requirements. Required public art shall be installed on the development site in a location that allows the

required public art to be visible to the public from a public right-of-way or from other public property at all times, in compliance with the following:

- (1) The required public art shall be installed in the location approved by the Planning Commission as identified on the approved final development plan. Relocation of required public art to an alternate publicly accessible location on the development project site requires further review and approval by the Planning Commission.
 - (2) The required public art shall be a permanent, fixed asset to the property. The composition of the artwork shall be of permanent materials requiring a low level of maintenance. Materials used shall be durable and weather resistant.
 - (3) The required public art shall be identified by a plaque that meets the standards in use by the City at the time of its installation. The requirement of this subsection may be waived if determined under a particular circumstance to be inconsistent with the intent of this Chapter.
- (b) Ownership and Maintenance Obligations. The property owner shall own the artwork when the artwork is installed on private property. The property owner shall maintain or cause to be maintained in good condition the required public art continuously after its installation and shall perform necessary repairs and maintenance to the satisfaction of the City.
- (1) Necessary maintenance of the required public art shall also include protection of the artwork against destruction, distortion, mutilation, or other modification.
 - (2) The developer or owner shall execute a restrictive covenant in a form acceptable to the City Law Director and enforceable by the City, which shall be filed and recorded against the project site, shall run with the land, and shall include the maintenance obligations of the property owner.
- (c) Minimum Installation Period.
- (1) The required public art shall remain on the project site for not less than twenty (20) years from the original installation date, as that term is defined in this Chapter.
 - A. In the event a development project is sold within twenty (20) years from the installation date, the required public art shall remain at the development for which it was created and shall not be claimed as the property of the seller or removed from the development or its approved location.
 - B. In the event a development project is to be demolished within the twenty (20) year period, the owner shall relocate the required public art to another publicly accessible, permanent location that is approved in advance by the Planning Commission, at the owner's expense.
 - (2) In no case shall the required public art be removed for any reason prior to the expiration of the twenty (20) year period, unless approved by the Planning Commission. The developer or owner shall replace the required public art within six months of its removal, pursuant to the requirements of this Chapter and same approval process, or pay an amount equal to the remaining portion of the public art development fee prorated over the twenty (20) year period.
 - (3) Any removal, relocation, or replacement of the required public art shall be consistent with the Federal Visual Artists' Rights Act and any other relevant law.
- (Ord. 2021-41. Passed 5-4-21.)

1183.07 REVIEW PROCEDURES FOR REQUIRED PUBLIC ART IN PRIVATE DEVELOPMENT.

- (a) Initial Discussion During Development Plan Review.
 - (1) During the development plan review, the developer shall confer with the Public Art Committee to ensure the developer's compliance with this Chapter.
 - (2) As part of the development plan review process, the developer shall advise the Planning Commission of its intent to either pay the Public Arts Development Fee or seek on-site installation of public art, or a combination of the two if the value of the on-site public art is less than the required Public Arts Development Fee.
 - (3) When applicable, the developer shall identify on the development plan suitable locations for the potential installation of required public art, and discuss general considerations, including placement, with the Planning Commission.
- (b) Submittal Requirements. An applicant seeking approval of a project subject to the requirements of this Chapter shall submit a required public art application and scheduled fee to the Building Department as a condition of approval of other required project applications. The application shall include:
 - (1) A description of the proposed required artwork, budget for design, fabrication, transportation, and installation, and a maintenance program;
 - (2) Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to identify the nature of the proposed required artwork, the resume of the artist, and evidence of previous work and efforts of the artist;
 - (3) The preliminary construction and alteration cost of the project;
 - (4) Preliminary plans containing such detailed information as may be required by the Chief Building and Zoning Inspector to adequately evaluate the location of the required artwork, and its compatibility with the proposed development, including consideration of the character of adjacent parcels and existing neighborhood; and
 - (5) A narrative statement to demonstrate that the required artwork will be displayed in an appropriate public place, based on the characteristics of the artwork or its placement on the site.
- (c) Public Art Committee Review. The Chief Building and Zoning Inspector shall transmit the completed application to the Public Art Committee.
 - (1) The Public Art Committee shall review the application and plans concerning the proposed required artwork, its proposed location, and estimated costs, the aesthetic quality and harmony with the proposed project, and the public accessibility to the artwork, including any recommended conditions of approval.
 - (2) The Public Art Committee may make recommendations to the developer for changes to the public art proposal.
 - (3) The Public Art Committee shall recommend approval, conditional approval or denial of the proposed required public art.
 - (4) A member of the Public Art Committee shall be selected to assist the developer during the subsequent review steps.
- (d) Design Review Board Review. For any application related to an historic building or in an historic district, such application and the Committee's recommendation shall be transmitted to the Design Review Board. The Design Review Board shall provide its recommendation to the Planning Commission.
- (e) Planning Commission Review. Upon receipt of the recommendations from the Public Art Committee and the Design Review Board, when applicable, the Planning Commission shall consider the required public art proposal.
- (f) City Council Review. In the event a proposed required public art requires public funding from the Public Arts Fund, City Council shall review and act on the proposed expenditure upon receipt of the Planning Commission and Design Review Board's recommendations.
- (g) Security Required for Building Permit. No building permit for the development shall be issued until the applicant deposits with the City security either in the form of a surety bond issued by a surety company authorized to do business in the State of Ohio, or the equivalent amount in other security approved by the Chief Building and Zoning Inspector and City Law Director in an amount equal to 50 percent of the total public art development fee based on preliminary construction or alteration costs. Any costs associated with acquiring the required security are the responsibility of the applicant, and not eligible as a credit toward the required art development fee.
- (h) Installation. Approved required public art shall be installed prior to a certificate of occupancy being issued for the project.

(i) Artwork on Public Property Agreement. If the City Council approves the proposed required artwork on City-owned property, a formal written agreement shall be executed between the City and the project applicant. This agreement shall include the costs, responsibilities, and schedule of all aspects of the project, including funding, fabrication, site preparation, installation, and maintenance budget and requirements, transfer of title, applicant's and/or artist's rights, project supervision documentation, an identification plaque, the City's rights (including deaccessioning), and other requirements established by the City.

(j) Final Costs. Final construction and alteration costs as well as the actual cost of artwork shall be provided to the City. If the cost of the artwork is less than the required percentage of the final construction and alteration costs, additional public art shall be installed to meet the percentage requirement, prior to the City's final inspection, otherwise a public art fee shall be paid for the remaining amount by the developer. The new public art shall comply with the same review procedure as described in this section. Payment of the public art development fee for the remaining amount may be authorized by the Chief Building and Zoning Inspector. (Ord. 2020-41. Passed 5-4-21.)

1183.08 REQUIRED PUBLIC ART AND CERTIFICATES OF OCCUPANCY.

The following requirements shall be met prior to the City's issuance of occupancy permits for development projects that include the on-site installation of required public art.

(a) Full compliance with the following, when applicable:

- (1) The approved required artwork has been placed in a manner satisfactory to the Chief Building and Zoning Inspector;
- (2) Financial security in an amount equal to the acquisition and installation costs of an approved required artwork, in a form approved by the Chief Building and Zoning Inspector and Law Director, has been posted;
- (3) Public art development fee has been paid; and
- (4) Donation of an approved artwork has been accepted by the City Council.

(b) Execution and recordation with the Lake County Recorder by the applicant of covenants, conditions, and restrictions (CC&Rs), in a form approved by the Chief Building and Zoning Inspector and the Law Director, which require the property owner, successor in interest, and assigns to maintain the public art in good condition as required by this Chapter.

(c) Submission of the following to the City Clerk's office: A statement that indemnifies, defends, and holds the City and related parties harmless from any and all claims or liabilities from the artwork, in a form acceptable to the Law Director; and Certificate of public liability insurance naming the City as an additional insured, including such coverage and liability limits as may be specified by the City Council. (Ord. 2021-41. Passed 5-4-21.)

1183.09 PERMIT REQUIRED FOR OTHER PUBLIC ART ON PRIVATE PROPERTY.

Any person, firm, corporation or association desiring to place artwork in a public place on private property, other than required public art, shall first obtain a public art permit from the Building Department according to the following.

(a) Applications for a public art permit issued under this Section shall include payment of the application fee and the following information:

- (1) Name and address of the owner, operator, or the person in possession of the premises where the artwork is to be located.
- (2) Name and address of the creator of the artwork.
- (3) Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to establish the nature and location of the proposed artwork, and to adequately evaluate the artwork's compatibility with the character of adjacent development and existing neighborhood.
- (4) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the artwork and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the City's Building Code.

(b) Upon receipt of a completed application, the PAC shall conduct a review within thirty (30) days.

(1) The artist or organization sponsoring the artwork shall be available for an interview.

(2) The PAC shall review the application and plans based upon the criteria for public art, and submit a recommendation to the Planning Commission, and Design Review Board when applicable.

(c) The Planning Commission's approval of an application is granted for the specific design and onetime production of the artwork presented. Any changes thereafter must be submitted to the PAC and Planning Commission for further review.

(d) This permit is revocable by the City if it is determined at any time that the artwork being installed does not comply with the information provided with the application and its approval.

(e) Unless a shorter period of time has been established by official action, this permit expires 180 days from issuance if the work permitted hereunder has not been commenced and one (1) year after issuance if the installation of the approved artwork has not been completed. This permit shall also expire if it is determined the work authorized by the permit has been suspended, discontinued or abandoned for a continuous period of 180 days.

(f) An applicant who has been denied a permit under this section may appeal to the Board of Appeals.

(Ord. 2021-41. Passed 5-4-21.)

1183.10 REVIEW PROCEDURES FOR PUBLIC ART ON PUBLIC PROPERTY.

In the event a person, firm, corporation, or association offers the City a gift or donation of artwork to erect on public property, the review and installation of such public art shall comply with the requirements of this section. This section does not apply to the review and installation of public art on public property that is commissioned by the City of Willoughby and funded by the Public Arts Fund.

(a) Gifts of Artwork Considered.

(1) The City shall consider a donor's offer of an existing artwork or commission of artwork by a specific artist(s) or artists, or through a competitive public process.

(2) Donors shall be required to provide a maintenance program for the proposed gift, including estimated maintenance costs. Excessive maintenance costs may be grounds for rejection of the gift.

(b) Review Process.

(1) All proposed gifts to the City shall be referred to the Public Art Committee. The Committee's recommendation on the acceptance or rejection of proposed gifts shall be referred to the Planning Commission, and to the Design Review Board when applicable. Recommendations shall be referred to City Council for final action.

(2) If the City Council approves the acceptance of a gift, a formal written agreement shall be executed between the City and the donor and/or artist. This agreement shall include the costs, responsibilities, and schedule of all aspects of the project, including project funding, fabrication, site preparation, installation, maintenance and budget requirements, transfer of title, donor's and/or artist's rights, project supervision, documentation, an identification plaque, City's rights (including deaccessioning), and other requirements established by the City.

(c) Review Criteria: Standards for Acceptance.

- (1) Criteria. The proposed artwork shall be reviewed based on the criteria listed in this Chapter, as applicable.
 - (2) Budget. Consideration shall include an evaluation of the donor's proposed budget and the artist's ability to successfully complete the project within the proposed budget, and a review to assess realistic estimates and comprehensiveness of the budget in addressing all costs of the proposal.
 - (3) Unrestricted gifts. Proposed gifts to the City shall be clear and unconditional.
 - (4) Unique artworks. Only one-of-a-kind artworks shall be considered, with the exception of prints, photographs or other limited-edition artworks of high quality.
 - (5) Cost of artwork. Acceptance may be contingent upon receipt by the City of payment from the donor for costs associated with the gift that are not covered by the donor directly, such as transportation and installation.
 - (d) Alterations to Proposed Artwork Design. Any significant change to the design or concept made by the artist or donor after approval of the gift proposal must be reviewed and recommended by the PAC, Planning Commission, and Design Review Board when applicable, and then approved by the City Council.
 - (e) Review of Fabrication and Installation. Artworks accepted from small-scale models or drawings shall be subject to City review throughout fabrication and installation. Specific plans for site design, installation, maintenance and protection shall be submitted to the City for approvals.
 - (f) Ownership and Maintenance of Public Art on City-owned Property. Artwork installed on City-owned property shall be owned by the City as part of its collection, and the City shall be responsible for maintenance of the artwork in the City Collection, except when the artwork is deaccessioned.
- (Ord. 2021-41. Passed 5-4-21.)

1183.11 CRITERIA FOR PUBLIC ART.

- (a) In order to approve public art, the Public Art Committee, Design Review Board, Planning Commission and City Council, as applicable, shall at a minimum consider the criteria listed below.
 - (1) Aesthetic quality. The foremost consideration shall be the quality of the proposed artwork as assessed by the critical review of the PAC. The provenance, reputation and/or promise of the artist may also be key considerations.
 - (2) Relationship to the collection and to the community. The proposed artwork shall be analyzed for its potential relationship to the City's present collection, the requirements of this Chapter, and whether it shall enhance the aesthetic quality of the community.
 - (3) Compatibility. Conceptual compatibility and appropriateness of the proposed artwork to the surrounding built and/or natural environment shall be factors for consideration, and shall include scale, form, content and design.
 - (4) Materials, fabrication and installation. The PAC shall evaluate the existing artwork's material or the artist's proposed materials and their appropriateness as to structural and surface integrity, protection against theft, vandalism, public safety, weathering, and an analysis of long-term maintenance needs. The PAC shall also evaluate the proposed method of installation and an evaluation of safety and structural factors involved in the installation.
- (b) The following items shall not be considered as public art:
 - (1) Art objects which are mass-produced from a standard design;
 - (2) Reproductions of original artworks;
 - (3) Decorative, ornamental or functional elements including details and fenestration of a building which are designed by the project architect as opposed to an artist commissioned for the purpose of creating the artwork;
 - (4) Landscape architecture and landscape, including elements generally considered as being components of landscape design such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc.; or
 - (5) Artwork that contains a commercial message.

(Ord. 2021-41. Passed 5-4-21.)

1183.12 ORIGINAL ART MURALS ON PRIVATE PROPERTY.

- (a) Purposes. These regulations relating to Original Art Murals installed as public art on private property in the City of Willoughby are established to further the following purposes:
 - (1) To permit Original Art Murals on a content-neutral basis with certain terms and conditions and, at the same time, prevent the proliferation of off-site commercial signs.
 - (2) To preserve existing murals that are a valued part of the history of the City of Willoughby.
- (b) Permit Required.
 - (1) A permit to install an Original Art Mural shall be obtained according to Section 1183.09 provided the Original Art Mural meets all of the applicable requirements of this Chapter.
 - (2) Any mural proposed in a residential district shall be approved by a conditional use permit according to the conditional use requirements in the City's Planning and Zoning Code.
- (c) Grandfathering of Original Art Murals. Any Original Art Mural installed prior to the effective date of this section, shall have legal nonconforming status.
- (d) Original Art Mural Regulations.
 - (1) No mural shall contain a commercial message, unless the area of the mural devoted to the commercial message is concurrently approved as a sign permitted pursuant to the City's Planning and Zoning Code.
 - (2) No part of a mural shall exceed the height of the structure to which it is tiled or painted.
 - (3) No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed, unless granted permission by the PAC to exceed six (6) inches.
 - (4) No mural shall consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every twenty-four (24) hours).
 - (5) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors and vents. Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this Section may be placed on roll down security doors on a commercial or industrial building.
 - (6) No mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than 0.3 footcandles above ambient light levels, as measured at the property line of the nearest residentially zoned property.

(Ord. 2021-41. Passed 5-4-21.)

1183.13 DEACCESSION.

(a) Public Art on Private Property. Public art that was installed as a requirement of this Chapter shall not be removed or altered unless the replacement or alteration is reviewed by the PAC and approved by the City Council.

(b) Public Art in the City Collection. In accepting any artwork into its collection, the City shall not be bound by any agreement with a project applicant or donor of artwork that restricts its ability to act in the City's best interests. Nothing in the acceptance of any artwork shall prevent the City from approving subsequent disposal (removal, relocation, and/or sale) of such artwork if it serves the City's best interest to do so. When disposal is proposed, the Public Art Committee shall review the proposal and make a recommendation to the City Council for final action. The City shall deaccession and sell or otherwise dispose of any artwork in its collection in accordance with the limitations of the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113(d)).
(Ord. 2021-41. Passed 5-4-21.)

CODIFIED ORDINANCES OF WILLOUGHBY