

## **ARTICLE XVII: FUNDING OF PUBLIC ART**

### **Section 1.1700: STATEMENT OF PURPOSE**

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

### **Section 1.1701: DEFINITION OF PUBLIC ART**

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

#### **This definition shall not include:**

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

### **Section 1.1702: PUBLIC ART COMMITMENT**

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

### **Section 1.1703: PUBLIC ART TRUST**

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

### **Section 1.1704: EXEMPTION**

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section 1.1702 if the purpose of this ordinance would not be fulfilled due to the building’s inaccessibility to the public, location, use of other factors.”

**Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS**

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
  - 1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
  - 2. Refer the question to a standing committee for public art which may be created by the City Council under such terms and conditions as it may establish, or;
  - 3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
  - 4. Seek such other advisory recommendation as the City Council deems appropriate
- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

**Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART**

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

**Section 1.1707: FUNDING ACCEPTED**

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

(Adopted 9/18/2006 to become effective August 21, 2007)