

Chapter 12. - Public Art ^[213]

⁽²¹³⁾ **Editor's note—** C.F. No. 09-212, § 1, adopted July 22, 2009, amended the Code by, in effect, repealing former ch. 12, public art and design, §§ 12.01—12.06, and adding a new ch. 12, §§ 12.01—12.04. Former ch. 12 derived from Ord. No. 17852, adopted July 16, 1991.

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Sec. 12.01. - Legislative purpose and intent.

(1) In developing its vision for the future of the city, the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values. Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place to live, work and visit. Therefore, the council wishes to implement a process and provide funding to involve artists in the design, implementation and integration of art in public projects.

(2) In order to facilitate the encouragement and inclusion of public art in planning and development, the city council finds that: 1) involvement of public artists in public projects should begin at the earliest stages of conceptual planning and continue through project design and implementation; 2) sufficient resources should be committed to sustain an innovative public art and design program that is distinguished by its high quality; and 3) that policies and procedures should be administratively developed which will facilitate and support creation and implementation of a public art plan.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.02. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Artist shall mean an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner's body of work and experience.

Construction project means any capital project paid for wholly or in part by the city to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, located within the limits of the city and to be operated by the city.

Eligible fund means a source fund for construction projects from which art is not precluded as an object of expenditure.

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Public art shall mean publicly accessible original art that enriches the city and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include the artist-designed infrastructure and structures themselves. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work.

Public art plan shall mean a biennial plan which identifies opportunities for acquisition and inclusion of public art within capital projects. The office of financial services shall be responsible for implementation of the public art capital budget plan as part of the city capital improvement budget.

Public artist in residence program shall mean an artist or artists who works within the city as a resource in urban planning, capital project design, and the identification of public art opportunities.

Public place shall mean publicly accessible landscapes, structures, and infrastructure. Public places include, but are not limited to public parks, plazas, streets and boulevards, bridges and stairways, buildings and waterworks.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.03. - Funding.

(1) *Initial funding.* For all capital projects funded by eligible sources resulting in a property to be operated by the city; the city shall dedicate one (1) percent of the eligible project costs, as determined by the office of financial services, to be used for public art.

If the director of the department responsible for the capital project determines that this use of funds cannot or should not be included in a specific project, he/she shall seek approval of the city council to use the funds described above to supplement other public art projects, or public art maintenance, within that department. The specific use shall be as determined by said director and consistent with the public art plan.

(2) *Ongoing maintenance.* Maintenance and restoration costs in an amount equal to one-half (½) of one percent of total capital maintenance projects approved as part of the capital improvement budget shall be appropriated to support maintenance and restoration of the city's public art collection. All public art donated to the city must come with a plan to fund and deliver ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.04. - Planning and design.

(1) The long-range capital improvement budget committee shall review the public art plan and ensure that, where appropriate, public art is incorporated into the capital improvement budget recommendations submitted to mayor and city council.

(2) All city requests for proposals for the preparation of district plans, small area plans, TN3 master plans, master plans for regional and city parks, chapters of the city comprehensive plan, and master plans for redevelopment sites greater than ten (10) acres in size to be undertaken by private consultants shall require that a public artist be a member of the consultant's planning study team.

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(3) All city requests for proposals for design of major capital projects to be undertaken by private consultants resulting in a property to be operated by the city (through all project delivery methods: design/bid/build; design/build; lease from developer) shall require that a public artist be a member of the consultant's design team.

(4) Resources to identify artists qualified to serve on consultant teams for planning studies and project design shall include, but not be limited to, the artist in residence, the state artist registry and a list of qualified artists maintained by the city.

(5) The neighborhood design advisory committee for the district council representing the area in which a project will be located shall continue to advise the implementing city department on the selection of artists and recommend acceptance of the design of the project.

(C.F. No. 09-212, § 1, 7-22-09)