

ORDINANCE NO. 2791NS

AN ORDINANCE RELATING TO ARTS IN PUBLIC PLACES, AMENDING CHAPTER 22 OF THE SHAWNEE MUNICIPAL CODE BY AMENDING ARTICLE IX OF CHAPTER 22, PROVIDING FOR ARTS IN PUBLIC PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SHAWNEE:

SECTION 1. That Article IX of Chapter 22 of the Shawnee Municipal Code is hereby amended to read as follows:

**CHAPTER 22
PLANNING AND DEVELOPMENT**

.....
**ARTICLE IX.
ARTS IN PUBLIC PLACES**

DIVISION 1. – PURPOSE

§22-740. The purpose of this chapter is:

(1) To create an Arts & Culture Commission to help promote art in public places throughout the City of Shawnee, Oklahoma, to assist in the selection of works of art for the City’s collection, and to aid in the development of programs to enhance and maintain the collection.

(2) To provide a means to fund the acquisition, display, and maintenance of works of art by the City, and to integrate art when appropriate into City construction projects.

DIVISION 2. – ESTABLISHMENT OF ARTS & CULTURE COMMISSION

§22-741. Established; Composition. A Shawnee Arts & Culture Commission is established in the City. The Shawnee Arts & Culture Commission shall consist of seven (7) members, who shall be appointed by the Mayor with the approval of the City Commission. The Shawnee Arts & Culture Commission may have the following composition:

- (1) One member may represent a local arts and or cultural organization.
- (2) Two members may be professional artists, performers, and or architects or landscape architects.
- (3) Four members at large

§22-742. Qualifications; Compensation. All members shall have demonstrated previous support for arts or cultural affairs or have an interest in the arts and cultural history and traditions of the City and have knowledge of or demonstrated experience in the arts and cultural professions. All members of the Shawnee Arts & Culture Commission shall serve without compensation. No more than two at large members shall live outside of the city limits of Shawnee. Professional and organizational positions will not require citizenship due to expertise of their respective roles.

§22-743. Officers. In January of each calendar year, the Shawnee Arts & Culture Commission shall elect Executive officers consisting of a Chair and Vice Chair.

§22-744. Term of Office. The terms of all members of the Shawnee City Arts & Culture Commission shall be three years from the date of appointment or until their successor takes office. No member shall serve more than three consecutive terms. Members who have served three consecutive terms may be reappointed after having rotated off the Commission for at least one full year. Those serving on the Shawnee Arts & Cultural Commission at the time this ordinance is adopted shall continue serving out the remainder of their existing term, and shall proceed with any new term in accordance with the provisions of this ordinance.

§22-745. Vacancies. Members will be appointed to fill the remainder of vacant terms by the Mayor, with the consent and approval of the City Commission.

DIVISION 3. – POLICY FOR WORKS OF ART; BUDGETING OF PUBLIC FUNDS; SELECTION AND PLACEMENT; DEFINITIONS.

§22-746. Short title. The policy for budgeting of public funds for works of art and for the selection and placement of works of art shall be as follows:

§22-747. New Public Construction. One percent of the total construction cost of the following project types shall be dedicated toward public art projects within the community:

- Any new public building or public park development
- Any major renovation of a public building

Funds budgeted for works of art under this section may be used for:

- A) Works of art incorporated into the project OR
- B) On an alternative property approved by the Shawnee Arts & Cultural Commission and City Commission. OR
- C) A fee in lieu of an actual project, with said funds available to be used by the City at a later date for public art projects.

The provisions of this section shall apply to any Trust of which the City is beneficiary, if said Trust has by Resolution approved one percent for art provisions. It is the policy of the City that all future special sales tax documents, and Tax Increment Financing documents shall include a provision for one percent for art.

All public art purchased by the one percent set aside shall first be approved by the Shawnee Arts & Culture Commission which shall make a recommendation regarding its acquisition to the Shawnee City Commission or beneficiary public trust, pursuant to the provisions of this ordinance.

The amount per project that must be dedicated to public art is 1% of the construction cost, with a total per project limit of \$100,000; however, the Community Development Director shall have discretion to lower the required dollar amount on a case-by-case basis to allow the amount dedicated to fall beneath the required 1% or \$100,000 cap based on the unique circumstances of said project. Appeals of the Director's decision may be made to the Shawnee Arts & Cultural Commission, with recommendation to City Commission for final decision.

This article shall not apply to any municipal projects which are funded by promissory notes or bond proceeds or restricted funds; however, it is the City's policy to work toward the incorporation of public art in all projects, if allowable by law and financing restrictions.

§22-748. Cost Share Program and Donations. The City, in cooperation with the Shawnee Arts & Cultural Commission, shall establish a cost sharing program for the purpose of increasing the number of public art projects within the community.

- A) Said program may receive requests from schools, civic groups, local organizations, businesses, or individuals.
- B) Said requests shall be, when approved by the city, for no more than 50% of the project costs.
- C) Said projects, if on privately owned property, shall be visible from a public street. Otherwise, such projects shall be on public property.
- D) The city shall receive works of art upon approval of the Shawnee Arts & Cultural Commission and the City Commission. Works of art received in this manner shall remain property of the city unless prior arrangements for temporary display have been made.

§22-749. Accounting of Appropriated Arts Funds. Funds appropriated which are not restricted by law, pursuant to the provisions of this section shall be placed in a separate account to be established; and such funds shall be used exclusively for the art selection process, administration costs, artwork maintenance, and the purchase, transport, and installation of works of art. Art obtained as a result of funding that is restricted by law, shall be purchased within the time frame of the project-restricted proposition and funding shall be placed and spent in

accordance with limitations of the restricted funding.

§22-750. Review by the Shawnee Arts & Culture Commission.

The Shawnee Arts & Culture Commission shall review the following art projects:

- a. All public artwork commissioned with funds set aside pursuant to the provisions of this section, shall be reviewed and a recommendation made by the Shawnee Arts & Culture Commission. Final approval for such public art purchases shall be given by the City Commission or public trust as applicable. The Shawnee Arts & Culture Commission may also suggest art for inclusion in any construction or renovation project described in this section. Further, as soon as the proposed art is in schematic and/or rendering form, the Arts Commission shall review said proposed art. The Shawnee Arts & Culture Commission shall make its recommendation within sixty (60) days of its receipt of the schematic and/or rendering form, to be forwarded to the City Commission or public trust for approval.
- b. All artwork visible from a public street, on public or private property, either as a project commissioned independently by a property owner or under the auspices of this ordinance.
- c. All projects shall be reviewed by the Shawnee Arts & Culture Commission after an application that includes the following:
 - a. Artist proposal or scope of work
 - b. Proof of property owner consent
 - c. Site plan(s)
 - d. Landscape/hardscape plan(s)
 - e. Color photographs of proposed artwork location & surrounding area
 - f. Artwork elevation drawings/renderings
 - g. Description of proposed materials, colors and specifications
 - h. Structural engineering design & foundation plan
 - i. Building permit application (as applicable)
 - j. Statement that the project will either be privately maintained or dedicated to the City once accepted by the City of Shawnee.
 - k. Payment of the application fee as proposed and as amended by resolution adopted by the City Commission and set by the city fee schedule.
- d. Failure to obtain approval via the provisions of this ordinance shall require either removal of the work of art until approval is obtained OR payment of four (4) times the application fee OR both.

§22-751. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

- a. Public Building means a structure designed and used in a manner for the public's benefit, including but not limited to convention centers, police and fire stations, utility stations, City facilities where the public is allowed to use for educational or training sessions, and City office facilities where City staff regularly interact with members of the public.
- b. Total Construction Cost means the amount or cost of a public project before its design begins, and shall include land acquisition costs, testing and consultant fees.
- c. Major Renovation means any change, addition or modification to an existing building that increases the square footage by a minimum of 20 percent or the renovation of an existing building in which a minimum of 25 percent of the interior square footage is the subject of renovation in a manner that invokes the provisions of the City of Shawnee Building Code and requires a permit.
- d. New means where no pre-existing building or park development existed before construction began.
- e. Works of Art shall be defined in the broadest manner as the work of an Artist, and shall include the following artistic expressions:
 - 1. The imaginative use and interplay of all artistic media and disciplines.
 - 2. Are accessible in a public space, meaning it must be visually and/or physically

- accessible to the public.
3. It is original art that evokes an experience or emotion in the public realm;
 4. It can be of a variety of forms and takes into consideration the site, its location and context, and the audience—it is site specific;
 5. It may possess functional as well as aesthetic qualities;
 6. It may be stand-alone or integrated into its site.

f. Artist shall be defined as an individual generally recognized by critics and peers as a professional practitioner of the visual arts as judged by the quality of the professional practitioner's body of work, educational background, experience, past public commissions, sale of works, exhibition record, publications, and production of Works of Art. Architects or Landscape Architects of Record on a particular project are disqualified from being considered for commissions of Works of Art on the same project. Disqualification also extends to other design professionals, consultants, and interior designers employed by or consulting with the design team on the same project.

g. Park development - any significant work on an existing park which enhances the function or use of substantial areas of an existing park. Park development shall also include trails meant for recreational purposes.

SECTION 2: REPEAL OF ORDINANCE 2174NS. Ordinance 2174NS, which established the Shawnee Arts & Cultural Commission, is hereby repealed.

SECTION 3: SEVERABILITY. The provisions of this Ordinance are severable and, if any sentence, provision, or other parts of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 4: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

PASSED AND APPROVED this _____ day of _____, 2023.

ED BOLT, MAYOR

ATTEST:
(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2023.

JOSEPH M. VORNDRAN
CITY ATTORNEY