



Legislation Text

File #: O-11-25, Version: 1

Arts in Public Places Commission Update and Revisions

For the purpose of moving the Arts in Public Places Commission from Title 6, the revenue and finance Title of the City Code, to Title 2, Chapter 2.48 dealing with boards, commissions, and committees; placing oversight of the Arts in Places Commission under the Planning and Zoning Director instead of the Recreation and Parks Director; and generally dealing with the Arts in Public Places Commission duties and responsibilities.

City Council of the
City of Annapolis

Ordinance 11-25

Introduced by: Alderwoman O'Neill
Co-sponsored by: Alderman Huntley

Referred to: Finance Committee

AN ORDINANCE concerning

Arts in Public Places Commission Update and Revisions

FOR the purpose of moving the Arts in Public Places Commission from Title 6, the revenue and finance Title of the City Code, to Title 2, Chapter 2.48 dealing with boards, commissions, and committees; placing oversight of the Arts in Places Commission under the Planning and Zoning Director instead of the Recreation and Parks Director; and generally dealing with the Arts in Public Places Commission duties and responsibilities.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition: Chapter 6.24.

BY enacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition: Chapter 2.48, Article XVIII

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

City Code Title 6 - REVENUE AND FINANCE
Chapter 6.24 - Art in Public Places

Strike Chapter 6.24 in its entirety.

City Code Title 2 - ADMINISTRATION
Chapter 2.48 - Boards, Commissions and Committees
Article XVIII - Arts in Public Places Commission

Section 2.48.700 - Definitions.

For purposes of this article, the following words and phrases shall have the meanings set forth below:

1. "Art in public places" means any visual work of art displayed in an open City-owned area, on the exterior of any City-owned facility, inside any City-owned facility in areas designated as public areas, or on non-City property if the work of art is installed or financed wholly or in part with City funds or grants procured by the City.
2. "Artist" means a person who is schooled in and practices either visual or performing arts.
3. "Commission" means the Arts in Public Places Commission, as created in this article.
4. "Director" means the Planning and Zoning Director unless otherwise stipulated.
5. "Department" means the Planning and Zoning Department unless otherwise stipulated.
6. "Fund" means the arts fund established by this article.
7. "Performing arts" includes the following art forms: music, dance, film, video, theater, voice and writing.
8. "Visual arts" include sculpture, monuments, murals, frescoes, relief, painting, fountains, banners, mosaics, ceramics, weaving, carving and stained glass.
9. "Work of art" includes, but is not limited to, visual and performing arts. It does not include paving, architectural ornamentation or signs, except where signs are needed to describe or locate work(s) of art.

Section 2.48.710 - Arts Fund.

- A. **Fund Established.** There is a fund for the principal purpose of collecting and retaining public and private funding for developing and displaying works of art in public places in the City of Annapolis.
 1. Other allowable uses include, but are not limited to:
 - a. Production of performing arts;
 - b. Acquisition of works of art;
 - c. Maintenance and repair of works of art;
 - d. Funding to artists, groups and organizations that promote or practice works of art that are open to the public;
 - e. Support of works of art; and
 - f. Advancement of works of art in general.
 2. All monies in the fund are subject to appropriation by the City Council and may be used by the Director for expenses related to administering this article.

- B. **Type of Fund and Oversight.** The fund is a continuing, non-lapsing fund to be maintained and administered by the Planning and Zoning Director. The Finance Director shall hold and account for it.
- C. **Distribution of Funds.** The commission shall establish procedures in consultation with the Planning and Zoning Director and Finance Director for how artists and related art organizations may apply for and receive funds. Any such procedures shall address the following, at a minimum:
1. Insurance/liability for works of art;
 2. Damage to City property and indemnification of the City;
 3. Priority for funding;
 4. Evaluation of applications; and
 5. Types of works of art prohibited, as may be required by law.
- D. **Funding Sources.**
1. **Cash.** If cash is received as consideration for the disposition of a capital asset purchased with monies from this fund, that cash shall be applied to the fund by the Director.
 2. **Grants, Donations, and Other Sources.** The City, through the Department, may apply for and accept any funds or grants from any Federal, State, county or other source for credit to the fund that might assist with the acquisition and display of works of art in public places within the City and the production of performing arts.

Section 2.48.720 - Arts Commission Established and Duties.

- A. **Duties.**
1. The Art in Public Places Commission shall make decisions and recommendations related to the provisions of this article, including the acquisition and display of visual arts and the production of performing arts.
 2. All recommendations shall be subject to review and approval of the Director.
- B. **Composition.**
1. **Membership, Terms.**
 - a. The commission shall consist of nine members, one from each ward and one appointed at large, who shall be appointed by the mayor and confirmed by the city council.
 - b. Terms shall be three years, commencing on July 1st of the year they are appointed.
 - c. The appointment shall designate the term of each commission member so that the terms of not more than three commission members shall expire in any year.
 2. **Filling Vacant Positions.**
 - a. If a ward-specific position on the commission is vacant for three months, the mayor and council shall no longer be required to adhere to the ward requirement.
 - b. The position may then be filled by a city resident living in any ward considered an at-large member.
 - c. The new at-large member shall serve for the term.
 - d. When the position is vacated, it shall be returned to being ward-specific.
 3. **Officers; Bylaws.**

- a. The commission shall select its officers in accordance with §2.04.080.
- b. The authority of any officers shall either be prescribed in the current edition of Robert's Rules of Order, Newly Revised, or specified in any bylaws or rules that the commission may adopt in accordance with §2.04.080.
- c. The Chair shall preside at all meetings of the Board, and in the Chair's absence, the Vice Chair shall preside, and, in the absence of the Chair and Vice Chair, the senior most member of the Board shall preside with all powers of the Chair.

4. **Ex Officio Members.**

- a. The Director, or their designee, shall be an ex officio, nonvoting commission member.
- b. The Mayor may designate additional City officials or individuals to participate in an ex officio, nonvoting capacity.

C. **Report Required.**

1. The Commission shall, in accordance with § 2.04.080, submit, not later than January 15th of each year, a report of its activities for the prior calendar year.
2. The Finance Director shall submit a report on the fund's financial status during the preceding year no later than January 15th of each year.

Section 2.48.730 - Guidelines and Procedures.

- A. The commission shall adopt guidelines and procedures which:
1. Identify suitable art objects for City property;
 2. Facilitate the preservation of art objects and artifacts that may be displayed in public places;
 3. Prescribe a method for competitive selection of art objects for display;
 4. Prescribe procedures for the selection, acquisition and display of art in public places;
 5. Prescribe procedures for awarding monies from the fund to groups and organizations that promote or practice the performing arts to support the direct costs of performances that are open to the public;
 6. Establish other matters appropriate to the administration of this **article**.
- B. Each guideline and procedure shall become effective in accordance with §2.04.090.

Section 2.48.740 - Selection and Display Standards.

A. Art Acquisition; Art Proceeds; Art Maintenance.

1. The commission may recommend to the director the acquisition of any works of art. The City may contract for, purchase, lease, rent, and borrow, by any method, any item related to the display or production of works of art in public places, as reviewed and approved by the Director.
2. The commission may recommend to the Director any art displayed as a part of this **article** that may need maintenance or repair. The City may undertake, with its own forces or contract for the maintenance or repair, from the arts fund, of any artwork displayed as part of this **article**, as reviewed and approved by the Director.
3. The Commission may form subcommittees to make recommendations on individual projects.
 - a. Members of any subcommittee shall be nominated by the members of the Commission and confirmed by a majority vote of the Commission.

- b. Members of subcommittees do not need to be members of the AIPPC and can be nominated by committee members, council members or by recommendation of the Director.
- c. Subcommittees will select their chair from amongst themselves.
- d. The Director or their designee shall be an ex officio member of any subcommittee formed.

B. Art Selection Process.

The Commission shall consider such recommendations as may be made by the Director before making art selection and/or funding decisions and the Commission shall establish and publish written findings in support of all art selection and funding decisions addressing each of the following factors:

- a. Conceptual compatibility of the design and/or performance with the immediate environment of the site;
- b. Appropriateness of the design and/or performance to the function of the site;
- c. Compatibility of the design and/or performance and physical location with a unified design character or historical character of the site;
- d. Creation of an internal sense of order and a desirable environment for the general community by the design and/or performance, and physical location, of the work of art;
- e. Preservation and integration of natural features for the project;
- f. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- g. Represent a broad variety of tastes within the community and provide a balanced inventory of art in public places to ensure a variety of styles, designs, media, and/or performances throughout the community.

Section 2.48.750 - Display and/or Performance of Works of Art in Public Places.

A. Art Placement or Performance.

- 1. Works of art selected, displayed and/or performed, pursuant to this **article**, may be placed or performed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in the City.
- 2. Visual art owned by the City may also be loaned for exhibition elsewhere upon such terms and conditions as recommended by the commission and approved by the Director.
- 3. City officials and employees responsible for the design and construction of public improvements in the City may make appropriate space available for the placement of works of art in consultation with the Director and the commission.
- 4. The commission shall advise the Director of the commission's recommendation regarding the design, execution, placement, and/or performance of a work of art in connection with this **article**.
- 5. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission shall include details of such extraordinary expense with its recommendation to the Director.

B. Commission Review of Visual Art Installation and Removal.

- 1. All visual art in public places shall receive the prior review of the commission.
- 2. No visual art shall be removed, altered or changed without the prior review of the commission.
- 3. Prior to the installation and/or removal of any visual art object, the Director shall certify in writing that the standards of this article were properly adhered to and procedures followed correctly.

C. Visual Art Placement Approval.

1. No visual art financed or installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the City and the private property owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the City Attorney.
 2. Such written agreements shall specify that the private property owner shall assure that:
 - a. The installation of the work of art will be done in a manner that will protect the work of art and the public;
 - b. The work of art will be maintained in good condition; and
 - c. Insurance and indemnification will be provided as appropriate.
- D. **Records.** The Director shall maintain a detailed record of all visual arts in public places, including site drawings, photographs, designs, and the names of artists and architects.
- E. **Recognition.** In coordination with the commission, the Director shall attempt to recognize the artists appropriately in any City publicity and promotion regarding art in public places.
- F. **Visual Art Removal.** The city shall install, maintain, alter, refinish and move visual art in public places in consultation with the artist whenever feasible.

Section 2.48.760 - Ownership.

All works of art acquired pursuant to this article shall be acquired in the name of the City of Annapolis, and the City shall hold the title.

Section 2.48.770 - Exemptions.

All works of art on display in private City offices or other areas of City-owned facilities that are not generally frequented by the public are exempt from the provisions of this article.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect upon passage.