Legislation Details (With Text)

File #:	2022-1063 **Version:** 1		
Type:	Ordinance	**Status:**	Passed Finally
File created:	12/9/2022	**In control:**	Committee on Finance and Law
On agenda:	12/13/2022	**Final action:**	12/28/2022
Enactment date:	12/28/2022	**Enactment #:**	35
Effective date:	1/4/2023		
Title:	Ordinance amending the Pittsburgh Code, Title One: Administrative, Article IX: Boards, Commissions, and Authorities, Chapter 175.08: Art Commission - Ornamentation for Municipal Projects; Plan Review and Approval, and supplementing Pittsburgh Code, Title Two: Fiscal, Article I: Administration by adding Chapter 218.10: Percent for Art.		
Sponsors:			
Indexes:	PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE		
Code sections:			
Attachments:	1. 2022-1063 Cover Letter-PercentforArtOrdinance Legislation Letter Dec2022, 2. Summary 2022-1063		

Date	Ver.	Action By	Action	Result
1/4/2023	1	Mayor	Signed by the Mayor	
12/28/2022	1	City Council	Passed Finally	Pass
12/19/2022	1	Standing Committees	Affirmatively Recommended	Pass
12/13/2022	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title One: Administrative, Article IX: Boards, Commissions, and Authorities, Chapter 175.08: Art Commission - Ornamentation for Municipal Projects; Plan Review and Approval, and supplementing Pittsburgh Code, Title Two: Fiscal, Article I: Administration by adding Chapter 218.10: Percent for Art.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title One: Administrative, Article IX: Boards, Commissions, and Authorities, Chapter 175.08: Art Commission - Ornamentation for Municipal Projects; Plan Review and Approval is hereby amended as follows:

~~***§ 175.08 - ORNAMENTATION FOR MUNICIPAL PROJECTS; PLAN REVIEW AND APPROVAL.***~~

~~(a)~~

~~At least one (1) percent of the maximum authorized amount for municipal construction or renovation of public buildings costing fifty thousand dollars ($50,000.00) or more shall, except as hereinafter provided, be reserved for the inclusion of works of art, as hereinafter defined, as approved by the City Art Commission.~~

~~(b)~~

~~In every contract for the construction or renovation of a public building costing fifty thousand dollars ($50,000.00) or more and financed in whole or in part by the city, the department in charge of the project, in cooperation with the architect or engineer employed for the project shall, in the first instance, prior to~~

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~~advertisement for and award of the contracts, determine whether works of art are desirable and in the public interest. If so, the department shall include the works of art in the plans for the project.~~
~~(c)~~
~~The City department in charge of the project shall submit preliminary designs and all final plans, together with a notation of the maximum authorized amount as provided in the authorizing resolution, to the Art Commission; and except as hereinafter provided, the recommendation of the Art Commission shall be transmitted to and received by the department prior to advertisement for and award of the contracts.~~
~~(d)~~
~~Within ten (10) working days after the plans are submitted to the Art Commission, it shall determine by a majority vote of all of the members at any regular meeting or special meeting called for the purpose, whether it agrees with the decision of the City department in charge of the project as to the desirability of works of art and that the works of art are fitting and appropriate to the function and location of the structure. If works of art have not been recommended by the department and the Art Commission is of the opinion that works of art will be desirable and in the public interest, the Art Commission shall return the plans to the City department with a recommendation. The department shall have ten (10) working days after its receipt of the Art Commission's recommendation in which either to accede to the Art Commission's request or to submit to the Art Commission further reasons why works of art should not be included. In the latter event, if the Art Commission disagrees with the reasons, the matter shall be resolved by the Mayor, whose decision shall be final. However, if the Art Commission approves the plans as submitted by the department, the Art Commission shall so indicate by returning the plans duly approved. If the Art Commission fails to act on a submission within the ten (10) working day period, the City department may then proceed as if the Art Commission's approval had been given.~~
~~(e)~~
~~For the purposes of this section, the term "works of art" is defined in § 175.02.~~
~~(f)~~
~~The sum of money allocated for works of art in the case of projects suitable therefor as herein provided shall be a minimum of one (1) percent of the maximum authorized amount for the construction or renovation of the municipal projects. The sum so allocated shall be for the specific project, and unexpended portions thereof shall not be accrued for other projects.~~
~~(g)~~
~~In making a determination as to whether a public structure should include works of art, and in what manner, the Art Commission shall consider the factors as location of the project, nature of the project, complexities of financing including but not limited to situations where federal or state funds are to be employed for the project. However, this section shall not be deemed applicable where the director of the department involved in the project certifies to the Art Commission in writing that circumstances or contingencies applicable to the project would make the implementation of this section impractical because of time restrictions set by federal or state regulations.~~

Section 2. The Pittsburgh Code, Title Two: Fiscal, Article I: Administration, is hereby supplemented by adding Chapter 210.18 as follows:

CHAPTER 218.10: PERCENT FOR ART

1. **PURPOSE.** Because the City of Pittsburgh believes that the arts are a fundamental component of a healthy community, funds shall be allocated for the purpose of supporting a public art program that uplifts community identity, public history, and evolving culture. Such public art initiatives shall be approved in accordance with Chapter 175: Public Art & Civic Design Commission.

2. **DEFINITIONS.**

a. **Public Realm**. For the purposes of this chapter, Public Realm means the outdoor area that is experienced by the public in general, and is owned or managed, in whole or in part, by the City; including the surface, the air above the surface, and any right-of-way (including any street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, lane, square, viaduct, or waterway).

b. **Public Art**. For the purposes of this chapter, Public Art is original or editioned artwork selected, commissioned, or created for placement in the Public Realm, and created by an artist. This includes but is not limited to free-standing and wall-mounted sculptures, mosaic panels, and site-specific installations.

c. **Capital Construction or Renovation Project**. For the purposes of this chapter, Capital Construction or Renovation Projects include the renovation or construction of buildings in the Public Realm, that are erected on or above land owned by the City, under the City's legal control, and in which City funds are invested. Capital Construction or Renovation Projects shall not include regular maintenance that does not alter the character of the structure or site or does not alter the public-facing appearance of the structure or site.

d. **Eligible Amount**. For the purposes of this chapter, the Eligible Amount, or the sum of money allocated for Public Art as herein provided, shall be a minimum of one (1) percent of the maximum authorized budget for construction phases of eligible Capital Construction or Renovation Projects costing fifty thousand dollars ($50,000.00) or more and paid for in whole or in part by qualifying City funds.

3. **PERCENT FOR ART.**

a. The City's adopted annual Capital Budget shall include funds for the inclusion of Public Art deliverables in amounts not less than one (1) percent of the total Eligible Amount budgeted for the City's Capital Construction or Renovation Projects in that fiscal year, subject to the exclusions outlined in in Section 4.

b. The Department of City Planning shall submit proposals for Public Art deliverables as part of the regular Capital budget process in accordance with the provisions of this chapter.

c. The Department of City Planning shall promulgate further guidelines for use of Percent for Art funds. The Department of City Planning shall oversee Percent for Art activity in a manner consistent with these guidelines and applicable funding restrictions.

d. Nothing in this chapter shall prohibit the City from designating additional funds, subject to applicable restrictions, to be utilized for realizing Public Art.

4. **EXCEPTIONS.** If the terms of a contract, federal or state grant, law, rule, or regulation prohibit or restrict the use of funds in connection with a Capital Construction or Renovation Project, or if the eligible uses of the funding are limited and specified and do not include Public Art, then such funds shall not be included in the calculation of the total Eligible Amount.