

Chapter 13 ART IN PUBLIC PLACES¹

Sec. 13.1. Goals.

The mission of art in public places is to enhance the quality of the visual environment in the Martin County community, both natural and constructed; and in so doing:

- 13.1.A. To promote the spiritual, intellectual and aesthetic enrichment of the community through public art;
- 13.1.B. To select a diversity of public art for Martin County, Florida;
- 13.1.C. To select works of art which have aesthetic and technical merit and are appropriate in context to the location;
- 13.1.D. To select artists who are professionally and technically competent;
- 13.1.E. To disperse public art throughout Martin County, Florida, in such a manner that it is visible and accessible to the greatest number of people.

(Code 1974, § 7½-1; Ord. No. 518, art. 1, 6-24-1997; Ord. No. 699, pt. 1, 4-11-2006)

Sec. 13.2. Definitions.

For the purpose of this chapter, the terms listed below shall have the following definitions:

Architectural enhancement is the physical result of the application of skill and taste according to aesthetic principles to the architectural embellishment of a building.

Professional artist is a person or group who meets at least three of the following criteria:

- A. The individual or group has received public or peer recognition:
 - 1. In the form of honors, awards, professional prizes, scholarships, honorable mentions, appointments to an adjudication committee or invitations to participate in a group exhibition or performance; or
 - 2. By publicly disseminated critical appraisal;
- B. The individual's or group's artistic activity has been presented to the public by means of exhibitions, publications, performances, readings, screenings or any other means;
- C. The individual or group promotes or markets their work:
 - 1. By means including attending auditions, seeking sponsorship, agents, engagements or exhibitions and similar activities appropriate to the nature of their work; or
 - 2. By being represented by a dealer, publisher, agent or similar representative appropriate to the nature of their artistic activity;
- D. The individual or group has received training or acquired traditional knowledge:

¹Cross reference(s)—Beaches, parks and recreation, ch. 17; capital improvement projects, ch. 29; libraries, ch. 107; procurement, ch. 135.

- 1. In an educational institution or from a practitioner or teacher recognized within their profession; or
- 2. Within the established practice of their cultural traditions;
- E. The individual or group holds copyright in their work and has received royalty or residual payments based on that copyright;
- F. The individual or group has a business license issued by the county or municipality in which they are carrying on business related to their artistic activity;
- G. The individual or group has membership in an organization representing their artistic activity whose membership, or categories of membership, is or are limited under standards established by the organization, or that is an artists' association.

Program manual is a manual containing written guidelines and procedures to govern the manner and the method of selection of artists, proposed sites, works of art, as well as architectural enhancements and special landscape treatments; the process for participation and coordination with local education institutions and students; and the process for program funding, implementation and placement of public art.

Public art is the architectural enhancement of a building, the placement of works of art in the interior or exterior spaces of the building, or special landscape treatments such as parks, plazas or atriums. Public art may be an integral part of the building, situated within or outside the building, may be located in or near government facilities which have already been constructed, or may be located in other public places where numbers of people may experience them.

Public capital facility is any capital improvement paid for wholly or in part by Martin County or paid for with monies granted to Martin County by other governmental agencies; limited to any project to construct or remodel a building, regional parks in excess of 50 acres which have not been purchased for passive recreational use, parking facility or any portion thereof within the County limits of Martin County, Florida.

Public places are properties located in Martin County in which Martin County or the State of Florida have an interest by ownership, easement or lease that serve a public purpose and provide an opportunity for placement of art that is visible and open to the public, including, but not limited to, parks, buildings and roadways.

Remodel means alterations or renovations to a public capital facility that exceed 50 percent of the building value, expansion or upgrading the capacity of a public capital facility by increasing the floor area of a building 5,000 square feet or 50 percent, whichever is less, or creating a new use for the public capital facility.

Special landscape treatment is landscaping that goes beyond the requirements of Martin County Land Development Regulations Article 4, Division 15, Landscaping, Buffering and Tree Protection, in order to create a park-like setting or plaza.

Works of art are tangible objects produced according to aesthetic principles, including paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, drawings and eco-art installations.

(Code 1974, § 7½-2; Ord. No. 518, art. 2, 6-24-1997; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 962, pt. 1, 10-7-2014; Ord. No. 1022, pt. 1, 5-23-2017; Ord. No. 1103, pt. 1, 6-4-2019)

Sec. 13.3. Public Art Advisory Committee; creation, composition, responsibility.

13.3.A. A Public Art Site Selection Committee created by Ordinance No. 900, amending Section 13.3, is renamed the Public Art Advisory Committee and shall have the duty and responsibility to review this chapter and the Program Manual for review and approval by the Board of County Commissioners, to identify sites in

accordance with the program manual, to identify sources of funding for art in public places exhibitions, and to hold public meetings to solicit public comment for specific public art projects.

- 13.3.B. The Public Art Advisory Committee shall be comprised of the appointed seven members of the Martin County Community Redevelopment Agency.
- 13.3.C. The architect or other design professionals for a specific County project may advise the County during the selection process as it relates to the project.
- 13.3.D. Except as otherwise limited by the program manual, this chapter, or other law, rule, regulation or ordinance, the Public Art Advisory Committee may adopt written policies and procedures to assist it in the performance of its duties.
- 13.3.E. The Public Art Advisory Committee will be responsible for review and recommending amendment to the program manual.
 1. The program manual must provide for a comprehensive program for art in public places which shall include the display of donated, loaned or leased art in appropriate public places, including temporary installations.
 2. The program manual shall be developed and reviewed annually with input from the Arts Council of Martin County, as well as other arts organizations, subject to approval by the Board of County Commissioners before its utilization by the Public Art Advisory Committee.
 3. The program manual shall be updated as required, including to accommodate grants or other non-County funding sources. Updates and revisions to the program manual are subject to approval by the Board of County Commissioners.

(Code 1974, § 7½-3; Ord. No. 518, art. 3, 6-24-1997; Ord. No. 613, pt. 1(§ 7½-3), 5-14-2002; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 962, pt. 1, 10-7-2014; Ord. No. 1022, pt. 1, 5-23-2017; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)

Cross reference(s)—Administration, ch. 1.

Editor's note(s)—Ord. No. 1103, pt. 1, adopted June 4, 2019, renamed § 13.3 from "public art site selection committee; creation, composition, responsibility" to "public art advisory committee; creation, composition, responsibility."

Sec. 13.4. Funding.

Except as provided herein, all estimates for the construction and/or remodel of public capital facilities and all requests for appropriations for such projects shall include an amount for Art in Public Places, which amount represents an amount for public art, including for restoration and maintenance of public art, equal to one percent of the total estimated cost of each public capital facility, except such projects located at Martin County Airport, Witham Field. The one percent amount shall be calculated on the total cost of the construction and/or remodel, excluding the first \$5,000.00. This one percent of cost is to be spent on placement of public art at public capital facilities or other public places pursuant to the program manual. However, any construction or remodel of public capital facilities financed by funds derived from bond revenue or general obligation bond issues or from utility revenues or other special purpose funds or funds dedicated pursuant to the terms of a bond or other debt obligation resolution shall not contribute to Art in Public Places.

- 13.4.A. The requirement that one percent of the public capital facility's construction and/or remodel budget shall be encumbered shall only apply if such an expenditure is legally permissible for that project under the specific project funding sources. If the source of funding or other appropriate law

with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the aforesaid calculation.

13.4.B. If it is determined that the public capital facility being constructed and/or remodeled is not an appropriate location for Public Art, the funds in that public capital facility's construction and/or remodel budget appropriated for Art in Public Places may be used for one or more public art projects in other public places pursuant to the program manual.

13.4.C. In any fiscal year that the public capital facilities projects provide funds in an amount less than \$50,000.00 to the Art in Public Places Fund, the Board of County Commissioners shall budget from the General Fund to the Art in Public Places Fund the balance necessary to fund public art projects with at least \$50,000.00.

(Code 1974, § 7½-4; Ord. No. 518, art. 4, 6-24-1997; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)

Editor's note(s)—Ord. No. 1103, pt. 1, adopted June 4, 2019, renamed § 13.4 from "architectural enhancement rules" to "funding."

Sec. 13.5. Procedures.

13.5.A. For construction and/or remodel of public capital facilities, except such projects located at Martin County Airport, Witham Field and projects financed with bond revenue, general obligation bond issues, utility revenues or other special purpose funds or funds dedicated pursuant to the terms of a bond or other debt obligation resolution, the procedures for selection of public art, artists, and sites in the program manual shall apply.

13.5.B. Public art that is donated or loaned to the County may be accepted for installation only if the Department of Administration determines such public art is consistent with the program manual. This provision does not apply to public art donated or loaned to the County before the effective date of this chapter.

13.5.C. All public art projects funded through the provisions of this chapter are open to professional artists.

(Code 1974, § 7½-5; Ord. No. 518, art. 5, 6-24-1997; Ord. No. 613, pt. 1(§ 7½-5), 5-14-2002; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 962, pt. 1, 10-7-2014; Ord. No. 1022, pt. 1, 5-23-2017; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)

Sec. 13.6. Art in public places fund.

13.6.A. There is hereby established a fund designated as the "Art in Public Places Fund." All funds set aside pursuant to this chapter from each public capital facility project, the construction and/or remodeling of which has not commenced as of the effective date of this chapter, together with such other funds as the Board of County Commissioners shall appropriate for public art through the general fund, grants, bequests and funds donated by the general public for public art shall be deposited into this fund. Interest accrued shall be allocated in accordance with the provisions of this chapter. These funds shall be expended by the Board of County Commissioners for public art projects as prescribed by the program manual. Any funds not expended by the end of any fiscal year shall be carried over to the next fiscal year.

13.6.B. Funds contained within the Art in Public Places Fund shall be, as close as possible, allocated as follows: 70 percent for art construction, appropriation and/or installation, 20 percent for the administration of all facets of the Art in Public Places program (to include staff time, exhibit programming, education, signage, dedication, etc.) and ten percent for repair and maintenance of the art acquired under this chapter that is installed in public places.

13.6.C. Funds allocated to a designated public art project that is not commenced within three years of the initial allocation will revert to the Art in Public Places Fund to be used toward another public art project.

13.6.D. Any funds carried over five years that remain unexpended or are allocated to a project that has not commenced at the expiration of such period shall remain in the Art in Public Places Fund to be used only for maintenance of existing Martin County Art in Public Places inventory.

(Code 1974, § 7½-6; Ord. No. 518, art. 6, 6-24-1997; Ord. No. 613, pt. 1(§ 7½-6), 5-14-2002; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)

Sec. 13.7. Selection criteria for sites and public art.

During the selection process, the Public Art Advisory Committee shall consider the following criteria:

13.7.A. Works of art, architectural enhancements and special landscape treatments shall be located in areas where residents and visitors live, work or congregate and shall be highly visible and accessible.

13.7.B. The appropriateness to the site, permanent or temporary nature of the work relative to environmental conditions, maintenance requirements and costs, and the enduring nature of the artistic statement.

13.7.C. Sensitivity to the aesthetic and cultural traditions and the history of Martin County, Florida, and also to the surrounding neighborhood's character.

13.7.D. The artist's biography and resume, examples of existing works, technical competency, similarity to existing works of art and the following basics: form, texture, color, clarity, line and medium.

13.7.E. The opportunity for participation and coordination with local educational institutions and students.

(Code 1974, § 7½-7; Ord. No. 518, art. 7, 6-24-1997; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)

Sec. 13.8. Ownership and maintenance.

13.8.A. Unless otherwise provided, ownership of all public art acquired by Martin County under this chapter shall be vested in Martin County, including copyrights, patents and other reproduction rights. The Board of County Commissioners shall be responsible for managing the reproduction rights of each acquisition. Custody, supervision, maintenance, and preservation of the public art is the charge of the Board of County Commissioners and shall be carried out by professional artists upon recommendation by the Public Art Advisory Committee.

13.8.B. Artists may have limited reproduction rights for portfolio purposes. Artists may not associate themselves or their work with Martin County without prior written permission from the County Administrator. Artists' use of the County seal is prohibited.

13.8.C. Public art may be decommissioned, surplused and sold or may be donated to a not-for-profit entity or governmental agency at the sole discretion of the Board of County Commissioners.

(Code 1974, § 7½-8; Ord. No. 518, art. 8, 6-24-1997; Ord. No. 699, pt. 1, 4-11-2006; Ord. No. 900, pt. 1, 10-25-2011; Ord. No. 1103, pt. 1, 6-4-2019)