



## Legislation Text

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**File #:** RES 19-1622, **Version:** 2

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Adopting a policy for public art in the public right-of-way.

WHEREAS, the City of Saint Paul values the contribution of art and artists to the city's vitality and wishes to encourage public art in the public right-of-way; and

WHEREAS, the City of Saint Paul is also concerned about public safety and wants to ensure that public art does not pose a safety risk to its residents and visitors; and

WHEREAS, the existing Policy for Public Art in the Public Right- of- Way was drafted in 2002 and has not recently been reviewed and the City Council wishes to update and clarify the policy; and

WHEREAS, each art work and location is unique, deserving of special consideration; and

WHEREAS, affected residents and organizations should have notice of proposed Public Art installations and an opportunity to comment on them; now, therefore, be it

RESOLVED, that the City Council hereby adopts the following revised policy for allowing all public art in the public right-of-way

### **POLICY FOR PUBLIC ART IN THE PUBLIC RIGHT-OF-WAY**

#### **General Conditions for Artwork Installation**

1. Artworks approved for installation in the public right-of-way must be of an appropriate size, scale and materials to withstand the weather, traffic and other rigors of public right-of-way conditions for the period of time it will be installed.
2. Works must be fabricated off-site. Only minor assembly needed for installation may be performed on site.
3. All costs of and arrangements for the transportation of the work to the site and of its installation shall be the responsibility of the applicant.
4. All costs of and arrangements for the removal of the artwork from the site shall be the responsibility of the applicant. Applicant will be responsible for restoring the site to its original condition at its own expense. Removal of painted art shall include complete removal of all paint by either chemical or abrasive methods and shall not be considered complete until no evidence of the art is discernible or until a stable surface can be guaranteed.
5. Applicants are responsible for all maintenance of the installations. Applicants must warrant that the works of art will not require any extraordinary maintenance during the term of installation in the public right of way.

If applicant fails to maintain the artwork or if the art requires extraordinary maintenance, the City will notify the applicant of the issue. The applicant has seven (7) days to address the issue, and, if not

corrected, the City of Saint Paul may remove the artwork and charge the applicant the cost of the work. If the applicant fails to remove the artwork at the end of the authorized time period, the City may remove the artwork and charge the applicant for the costs of removal. The City of Saint Paul may remove any artwork that is or becomes a hazard to traffic or pedestrians. Artwork may also be removed when removal is necessary for any maintenance, repair, or new construction located within that right of way, including any work performed by authorized third parties. Regardless of the reason for removal, the applicant is responsible for the costs of the removal.

6. Requests for extensions of time for installation must be made in writing to the Director of Public Works, and granted at the Director's discretion. The Director shall consider whether the artwork is still in good repair, its impact upon public safety, and whether the applicant is in good standing on any previous conditions of approval.
7. Prior to installation, the applicant shall contact Gopher State One Call and secure locations of all known utilities in the area to be occupied by the artwork.
8. The City is not responsible for any loss or damage to the work. The applicant must provide proof of appropriate liability insurance coverage.

## Application

Anyone wishing to install art in the public right-of-way must submit a written application to the Director of Public Works.

The application shall:

1. Describe the artwork proposed for installation in the public right-of-way: its size (height, width, depth), weight, general shape, colors and materials.
2. Describe the proposed location of the installation and locate the site on a city or skyway map.
3. Describe the structural and mechanical aspects of the artwork.
4. Describe the qualifications of the artist and of those involved in the installation.
5. Illustrate the artwork installation in a scale drawing of the work in its proposed location.
6. Identify the owner of the artwork.
7. Provide a statement pledging that the applicant will properly maintain the artwork for the duration of its installation in the public right-of-way.
8. Provide a schedule of the artwork installation, specifying the date of its arrival and installation at the site, the term of its exhibition, and the date of its removal.
9. Provide a certificate of insurance as proof of general liability coverage of not less than \$1,000,000 per occurrence, which shall not exclude explosion, collapse, and underground property damage, and not contain an "aggregate" policy limit. The general liability coverage must contain an endorsement naming the City of Saint Paul as an additional named insured as to acts committed by the application

for which the City could be held responsible. Any requested waiver of this requirement must be approved by the City's Risk Manager.

### Approval Process

1. Public Works shall review the request and advise the applicant of any additional information required.
2. When the information is complete, the Director of Public Works shall convene a panel of one representative each from: Public Works, Public Art Saint Paul, the Department of Safety and Inspections, and the governing District Council to review the proposal. A minimum of three members of this panel must conduct the panel's evaluation. The panel's evaluation must consider the installation's impact upon public safety, its artistic quality, and its compliance with the above General Conditions for Artwork Installation.
3. The panel shall make its recommendation on the installation to the Director of Public Works and to the City Council. If approval is not recommended by the Panel, the Director of Public Works will deny permission for the installation and so inform the applicant. The Panel must state its reason for recommending denial of an application, which may not be based upon the artwork's message.
4. The panel's recommendation for approval of an installation shall be brought to the City Council by Public Works in a public hearing.
5. Property owners within a 150 foot radius of the proposed location, as well as the affected district council and business group, shall be notified in advance of the time and place of the public hearing at least 14 days in advance.
6. Approval will be by City Council resolution, stating the conditions of approval.
7. Public Works will inform the applicant of the City Council's action and will assure that the conditions for approval of the installation are met by the applicant.
8. The City of Saint Paul may require an agreement on the applicant's rights pursuant to the Visual Artist Rights Act and may require posting a bond to cover the costs of maintaining or removing the artwork.

~~The installation must be in compliance with St. Paul Legislative Code Chapter 140.~~