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# City of Syracuse

## CITY CLERK'S OFFICE

I, JOHN P. COPANAS, City Clerk of the City of Syracuse, New York do hereby certify that the attached is a true copy of an ORDINANCE:

Adopted by the Common Council on

July 9, 2007

Approved by the Mayor on

July 12, 2007

TO:

Mayor

**Assessment Commissioner** 

**Aviation Commissioner** 

**Board of Elections** 

**Bureau of Accounts** 

Citizen Review Board

City Auditor

City School District

Code Enforcement

Community Development Comm.

**Community Services** 

**Corporation Counsel** 

**Development Director** 

Department of Engineering

Governor of New York State

New York State Senate

New York State Assembly

New York State Senator

New York State Assembly person

Management & Budget Director

Parks & Recreation Commissioner

Personnel & Labor Relations Dir.

Police Chief

**Public Works Commissioner** 

Public Works/Bookkeeper

Purchase Department

Real Estate Division

Research Director

Water Department

Zoning Administration

United States Senator

United States Congressperson

Finance Commissioner

Finance/Treasury

Finance (Water Bureau)

Fire Chief

Grants Management Director

Onondaga County Legislature

General Ordinance No. 27

2007

GENERAL ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF SYRACUSE, AS AMENDED, TO ADD A NEW CHAPTER 51 ENTITLED PUBLIC ART ORDINANCE

BE IT ORDAINED, that the Revised General Ordinances of the City of Syracuse, as amended, are hereby amended to add a new Chapter 51 entitled Public Art Ordinance, to read as follows:

#### **CHAPTER 51 PUBLIC ART**

#### Section 51-1 Title

This Chapter shall be known as the Public Art Ordinance.

## Section 51-2 Purpose

The purpose of this Chapter is to facilitate and encourage Public Art in the City of Syracuse by creating a streamed lined application and review process.

#### Section 51-3 Definitions

For the purposes of this Chapter, the following terms are defined as follows:

"Commission" shall mean the Public Art Commission for the City of Syracuse.

"Coordinator" shall mean the Public Art Coordinator for the City of Syracuse.

## "Public Art" shall mean either of the following:

- 1. All forms of visual art that do not constitute a sign as defined and regulated by Part C, Section VI of the Zoning Ordinance of the City of Syracuse, and are located within the City right-of-way, on public land owned by the City of Syracuse or on vacant land owned by the Syracuse Urban Renewal Agency or Syracuse Industrial Development Agency with the permission of SURA or SIDA, respectively. The aforesaid forms of visual art include but are not limited to the following mediums of art:
  - a. Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;

- b. Sculpture of any form and in any material or combination of materials, including statues, monuments, fountains, arches, structures intended for ornamentation or commemoration, reliefs, mobiles, kinetic, electronic and neon sculptures;
- c. Other works of visual art, including inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, prints and crafts, both decorative and utilitarian, in clay, fiber, wood, metal, glass, stone, plastic and other materials;
- d. Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.
- 2. All murals that do not constitute a sign as defined and regulated by Part C, Section VI of the Zoning Ordinance of the City of Syracuse, and are located on premises that do not have a one or two family dwelling.

# Section 51-4 Display of Public Art

A person, partnership, corporation, limited liability company or other entity must complete a Public Art application, submit the Public Art application to the Public Art Coordinator, and have the Public Art application approved by the Public Art Commission before installing Public Art in the City of Syracuse.

# Section 51-5 Public Art on State, County, Public Authority Land

The provisions of this Chapter do not apply to land located within the City of Syracuse that is owned by the State of New York, County of Onondaga or a public authority. Any Public Art being installed on land located within the City of Syracuse that is owned by the State of New York, County of Onondaga or a public authority is subject to the requirements of the State of New York, County of Onondaga or the applicable public authority.

# Section 51-6 Applicability of Chapter to the City

The provisions of this Chapter are applicable to the City and the City of Syracuse must satisfy the requirements of Section 51-4 before the City can install Public Art on City property, including the City right-of-way.

#### Section 51-7 Public Art Coordinator

#### A. Appointment and Term

There shall be established the position of Public Art Coordinator for the City of Syracuse. The Public Art Coordinator must be an employee of the City or SURA. The Mayor shall designate an employee of the City or SURA to this position. The employee designated Public Art Coordinator shall serve in the position of Public Art Coordinator at the

pleasure of the Mayor and can be replaced by the Mayor at any time by the Mayor's designating a new Public Art Coordinator in accordance with this Chapter. In the event that the position of Public Art Coordinator shall be become vacant, the Mayor shall designate a new Coordinator.

#### B. Duties

- 1. The Coordinator shall supervise and oversee the approval process for Public Art. This will include coordinating all the necessary consultations between and among the Commission, the neighborhood planning councils and the various City and State departments, boards and agencies.
- 2. The Coordinator shall advise the Commission and assist the Commission and Advisory Board in the fulfillment of their duties, including the development and implementation of a Public Art Master Plan.
- 3. The Coordinator shall be responsible for keeping an inventory of all Public Art in the City of Syracuse, including all Public Art owned or loaned to the City.
- 4. The Coordinator shall promote and facilitate Public Art city-wide and assist artists and organizations in preparing applications for approval.
- 5. The Coordinator shall provide for the opportunity for public comments through the neighborhood planning councils established by Chapter 48A of the Revised General Ordinances of the City of Syracuse, as amended.

#### Section 51-8 Public Art Commission

#### A. Composition

- 1. There shall be established a Public Art Commission to create a Public Art plan, to approve Public Art and to perform such other duties as set forth in this Chapter. The Commission shall consist of eleven (11) voting members as provided herein.
- 2. The eleven (11) voting members of the Commission shall consist of four (4) artists from the field of design, visual arts, architecture or landscape architecture, four (4) members of the public who are not artists, one (1) art administrator/curator and two (2) representatives from the neighborhood planning councils established by Chapter 48A of the Revised General Ordinances of the City of Syracuse, as amended. The Mayor shall appoint eight (8) of the voting members as follows: three (3) artists, two (2) members of the public who are not artists, one (1) art administrator/curator and two (2) representatives from the neighborhood planning councils. The Common Council shall appoint three (3) of the voting members as follows: one (1) artist and two (2) members of the public who are not artists.

- 3. The eleven (11) voting members of the Commission are to be residents of the City of Syracuse.
- 4. The Coordinator, the Commissioner of Parks, Recreation and Youth Programs and the Commissioner of Public Works shall be ex-officio members of the Commission.
- The Mayor shall select the chairperson and secretary from the voting members of the Commission to serve for a two (2) year term.

## B. Quorum of the Commission

Six (6) voting members of the Commission shall constitute a quorum and the votes of a majority of all voting members shall be necessary for any official action. In the event that the chairperson is not present at a meeting, an acting chairperson will be selected from among those members of the Commission present at such meeting.

#### C. Term

- 1. The voting members of the Commission shall serve for four (4) year terms, or until their successors are appointed, except that four (4) of the members first appointed by the Mayor shall serve for a two (2) year term and all three (3) of the members first appointed by the Common Council shall serve for a three (3) year term.
- 2. When the four (4) members first appointed by the Mayor to a two (2) year term and all three (3) members first appointed by the Common Council to a three (3) year term are reappointed or their successors are appointed, they shall serve four (4) year terms.
- 3. The Coordinator, the Commissioner of Parks, Recreation and Youth Programs, and Commissioner of Public Works may serve on the Commission as long as they are employed in that position with the City of Syracuse.

#### D. Powers and Duties

- 1. The Commission shall approve all Public Art applications and said approval shall be necessary prior to the installation of Public Art in the City of Syracuse unless exempted by the terms of this Chapter.
- 2. The Commission shall create and implement a Public Art Master Plan, the purpose of which is to enrich the visual and aesthetic environment of spaces within the City of Syracuse that are in some way accessible to the public.
- 3. The Commission shall initiate and develop proposals, to receive recommendations and to solicit contributions for additions to the existing collection of Public Art.

- 4. The Commission shall review and advise the City on the installation of Public Art owned by the City and whether proposed donations or loans of Public Art to the City should be accepted.
- 5. The Commission shall submit an annual report to the Common Council on its activities and to report on a regular basis to the Mayor.

## E. Meetings

The Commission shall meet six (6) times a year. Additional meetings may be called at the discretion of the Chairperson, or at the written request of five (5) Commission members, provided that such written notice is delivered to the Chairperson at least five (5) working days in advance of such special meeting. Such special meetings shall be held within ten (10) working days of receipt of said request. A quorum of six (6) voting members must be present in order to conduct any regular or special meeting. All meetings of the Commission must be open to the public as is required by the New York Open Meetings Law. Executive Sessions may be called in conformance with applicable law.

# F. Rules and Regulations

The Commission shall establish and publish rules and regulations governing the conduct of its meetings, the procedure and criteria to be utilized in approving or denying Public Art applications and any other matters that are within its powers and duties, provided that the rules and regulations are not contrary to the terms and intent of this Chapter.

#### Section 51-9 Review of Commission's Decisions

Any person, partnership, corporation, limited liability company or other entity aggrieved by a decision of the Commission concerning the approval or denial of a Public Art application may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be governed by the provisions of Article 78 of the Civil Practice Law and Rules.

## Section 51-10 Public Art Application

An Public Art application shall be made on forms provided by the Coordinator and shall contain the following information:

- 1. The full name, address and telephone number of the applicant.
- 2. A description of the Public Art installation being proposed, including detailed sketches of the proposed Public Art, the material the Public Art will be made of, the term of the installation, the cost of maintaining the installation and the source of financing for the proposed Public Art.

- 3. The names, addresses and telephone numbers of the persons who will install the Public Art and be responsible for its maintenance during the entire term of the installation.
- 4. The site or location of the proposed Public Art installation, and if the site or location is owned by SURA or SIDA, written permission from SURA or SIDA for the Public Art installation.
- 5. Any other information that the Coordinator determines will assist in deciding whether to grant or deny an application.
- 6. The signature of the applicant.

# Section 51-11 Approval or Denial of an Public Art Application

- A. Upon receipt of a Public Art application, the Coordinator shall submit the application to the applicable State and City departments, boards and agencies for approval of the Public Art installation's proposed site or location. Once the required approvals from the applicable State and City departments, boards and agencies have been obtained, the Coordinator will forward the application to the Commission. If the proposed site or location is not approved, the reasons for denial of the proposed site or location shall be provided to the applicant in writing. The applicant has the right to change the proposed site or location of the Public Art installation and have the application reconsidered by the applicable State and City departments, boards and agencies. No application can be forwarded to the Commission before the proposed site or location is approved.
- B. After the application is forwarded to the Commission, the Commission shall review the application at its next regularly scheduled meeting. The Commission may have the application presented and commented on at a meeting of the neighborhood planning council that represents the geographical area of the City where the installation is proposed to be installed. Comments on the application from the neighborhood planning council to the Commission shall be in writing.
- C. The Commission shall either approve or deny the application. An application may only be denied based upon objective criteria that shall be set forth in the Commission's rules and regulations. If the Commission denies the application, the Commission shall provide the applicant with written reasons as to why the application was denied within ten (10) business days of its decision.

## **Section 51-12 Severability**

In the event that any section, paragraph, sentence, clause or phrase of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of the Chapter shall be deemed severable from the Chapter and shall in no way affect the validity of the rest of the Chapter.

BE IT FURTHER ORDAINED, that this General Ordinance shall take effect thirty (30) days from the final approval date by the Common Council and Mayor in accordance with the applicable provisions of the Charter of the City of Syracuse.