



## Legislation Details (With Text)

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**Type:** Ordinance **Status:** Passed Finally

**File created:** 12/9/2022 **In control:** Committee on Land Use and Economic Development

**On agenda:** 12/13/2022 **Final action:** 12/28/2022

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**Effective date:** 1/4/2023

**Title:** Ordinance amending the Pittsburgh City Code, Title One: Administrative, Article IX: Boards, Commissions, and Authorities, Chapter 175: Art Commission to transition the Art Commission into the Public Art & Civic Design Commission.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:** 1. 2022-1069 Cover Letter-PACDCommission Legislation Letter Dec2022, 2. Summary 2022-1069

| 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 Committee | Affirmatively Recommended | Pass   |
| 12/13/2022 | 1    | City Council       | Read and referred         |        |

Ordinance amending the Pittsburgh City Code, Title One: Administrative, Article IX: Boards, Commissions, and Authorities, Chapter 175: Art Commission to transition the Art Commission into the Public Art & Civic Design Commission.

**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, is hereby amended at CHAPTER 175: - ART COMMISSION, as follows:

**CHAPTER 175: - ART COMMISSION PUBLIC ART & CIVIC DESIGN COMMISSION**

**§ 175.01 - CREATION, ORGANIZATION, QUORUM AND RULES. COMMISSION**

(a)

~~The City Art Commission shall consist of the various members to be appointed by the Mayor with the advice and consent of Council. Members shall hold office during the term for which the Mayor who appoints them has been elected and until their successors are respectively appointed and qualified.~~

(b)

~~The Director of Public Works and the Director of Mobility and Infrastructure shall be ex-officio members of the Commission. In addition, the Commission shall consist of one (1) painter, one (1) sculptor and three (3) architects all of whom shall be eminent in their respective professions, and two (2) others, neither of whom shall be a painter, sculptor or architect.~~

~~(c)~~

~~All appointed members shall serve without compensation.~~

~~(d)~~

~~In case any vacancy occurs, the vacancy shall be filled by the Mayor for the unexpired term.~~

~~(e)~~

~~The Commission shall elect a president and secretary, whose term of office shall be for one (1) year. They may employ clerks and other persons, whose salaries and wages, together with the other necessary expenses of the Commission, shall be provided for, in the discretion of Council, by the proper appropriations and ordinances.~~

~~(f)~~

~~A majority of the seven (7) appointed members shall constitute a quorum for the transaction of any business or the decision of any matters within their competence or jurisdiction, and the majority of the quorum may decide.~~

~~(g)~~

~~The Commission shall have the power to adopt its own rules of procedure, not inconsistent with any law or ordinance, and so that in proper cases reasonable notice and full opportunity to be heard shall be afforded according to the principles of law.~~

~~(Ord. No. 2-2018, § 3, eff. 2-15-18)~~

- a) **PURPOSE.** Established in 1911 as the Art Commission, the Public Art & Civic Design Commission reviews the aesthetics of the designed environment on or over City-owned property. The Public Art & Civic Design Commission empowers the development of art and culture in public spaces and promotes design of public spaces and civic structures that has a positive impact on the City's Public Realm.
- b) **CREATION.** The Public Art & Civic Design Commission shall consist of the various members appointed by the Mayor with approval by City Council. Members shall hold office during the term for which the Mayor who appoints them has been elected and until their successors are respectively qualified and appointed. In case any vacancy occurs, the vacancy shall be filled by the Mayor for the remainder of that Mayor's term. All appointed members shall serve without compensation. The Directors (or their Designees) of the Department of Public Works and the Department of Mobility & Infrastructure shall serve as ex-officio members of the Commission but will not be voting members or counted for purposes of quorum.
- c) **ORGANIZATION.**
- a. The Commission shall consist of the following Committees:
- i. Public Art Review Committee, consisting of four (4) practicing artists or arts professionals, and one (1) community representative. The Public Art Review Committee shall review and approve the addition, modification, relocation, and removal of items of Public Art in the Public Realm on behalf of the Commission.
- ii. Civic Design Review Committee, consisting of (4) practicing architects, urban designers, or built environment professionals, and one (1) community representative. The Civic Design Review Committee shall review and approve the design of new structures and designed sites in the Public Realm, or the modification of existing structures and designed sites, in the Public Realm on behalf of the Commission.
- b. A Public Art & Civic Design Commission President and Vice-President shall be elected at the first Commission meeting of the year, with a representative from each Committee occupying one of the two leadership positions. These positions will in turn each serve as Chair for their respective Committee. The term of office for the Chair and Vice-Chair shall be for one (1) year. Responsibilities of the officers shall include announcing periods of discussion about proposals at meetings, calling for votes at the end of discussion, and announcing decisions of votes.
- c. The Public Art & Civic Design Commission shall convene as a body no less than two (2) times

each year to review procedural issues and to receive public arts, culture, and civic design priorities, goals, and review criteria from the City, which will inform the Committees' review of applications.

- d. Each Committee of the Commission should meet no fewer than six (6) times per year, with the option to meet additionally as necessary.
- d) **QUORUM.** A majority of the sitting members of the Commission and/or the Committee shall constitute a quorum for the transaction of any business or the decision of any matters within their competence or jurisdiction, and the majority of the quorum may decide.
- e) **TIME LIMITATION ON DECISIONS.** In all instances other than §175.03.b.a: Emergency Action, if the Commission or a Committee fails to decide upon any matter submitted to them within seventy-five (75) days after a completed application is submitted to Department of City Planning staff, the matter shall be deemed approved.
- f) **RULES OF PROCEDURE.** The Commission shall have the power to adopt its own rules of procedure, consistent with relevant laws or ordinances.
- g) **DELEGATION TO STAFF.** Within the Commission's Rules of Procedure, projects of limited scope may be classified as having a minimal impact on the public and the review of such projects delegated to the Department of City Planning staff.

#### **§ 175.02 –WORKS OF ART DEFINED. DEFINITIONS**

~~For the purpose of this Chapter, the term ***WORKS OF ART*** include paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways and other structures or items of a permanent and fixed character, intended for ornament or commemoration, both interior and exterior.~~

- 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 means historic and modern works of Public Art, Monuments, Memorials, and select Historic Objects (collectively referred to as "Public Art") intended for permanent display in the Public Realm. Permanent display is considered to be one (1) year or more in duration. Categories of Public Art include, but are not limited to:
  - a. Public Art. Original or editioned artwork selected, commissioned, or created for placement in the public domain, and created by an artist. This includes but is not limited to free-standing and wall-mounted sculptures, mosaic panels, and site-specific installations.
  - b. Monuments. Physical structures or designed spaces whose purpose is to honor 1) a special event or concept of recognized importance to the general public, or 2) the life and deeds of a notable figure.
  - c. Memorials. Signs, structures, designed spaces, or other markers whose purpose is to keep a notable event, period of time, site, person, or group within the consciousness of the general public.
  - d. Historic Objects. Historic items which serve as memorials to a past era due to their previous function or placement.

- c) **CIVIC DESIGN.** For the purposes of this chapter, Civic Design means the designed environment on or above land owned by the City, including but not limited to structural features and site design. These are structures or sites within the Public Realm, under the City's legal control, and in which City funds are invested.

**§ 175.03 --APPROVAL OF ACQUISITION AND PLACEMENT; EXCEPTIONS. ACTION**

~~Hereafter no work of art shall become the property of the city, by purchase, gift or otherwise, unless the work of art or the design of the same, together with a statement of the proposed location of the same, has first been submitted to and approved by the Art Commission, acting by a majority of all its appointed members. No work of art, until so approved, shall be erected or placed in, over or upon, or allowed to extend in, over or upon, any street, avenue, square, place, common, park, municipal building, or other public place, under the control of the City or any department or officer thereof. The Commission shall act in a similar capacity, with similar powers, in respect to the design of any municipal building, bridge, approach, lamp, ornamental gate, fence or other structure erected or to be erected upon land belonging to the city, or other public place under its control. However, this section shall not apply to bridges costing less than five hundred thousand dollars (\$500,000.00), nor to buildings costing less than two hundred thousand dollars (\$200,000.00).~~

- a) **DECISION MAKING.** All action regarding Public Art and Civic Design shall require the Mayor's initiation. The Commission, including its Committees, cannot ratify a decision with regard to Public Art or Civic Design in the Public Realm without first receiving a written directive from the Mayor to consider the Public Art or Civic Design matter.
- b) **PUBLIC ART.** The Public Art Committee of the Commission shall review and approve the addition, modification, relocation, and removal from public view of items of Public Art as defined in §175.02.b. Approval shall be given in writing by a quorum as defined in §175.01.d.
- a. **Emergency Action.** In case the immediate removal, modification, or relocation of any existing work of Public Art is deemed necessary by the proper authorities within the City, the Public Art Committee of the Commission shall, within forty-eight (48) hours after notice is given to them, approve or disapprove of the removal or relocation, and, in case of their failure to act within the period, they shall be deemed to have approved the action proposed. In the event that the Public Art Committee disapproves of the proposed action, the removal, modification, or relocation of the Public Art may still proceed upon approval by the Mayor.
- c) **CIVIC DESIGN.** The Civic Design Committee of the Commission shall review and approve the design of exterior renovations, new structures, and designed sites in the Public Realm as defined in §175.02.a. Approval shall be given in writing by a quorum as defined in §175.01.d.
- a. **Emergency Action.** In the event that proper authorities within the City determine that a structure within the Public Realm must undergo immediate renovations for the health or safety of the public, the Civic Design Committee shall, within forty-eight (48) hours after notice is given to them, approve or disapprove of the renovation, and in case of their failure to act within the period, they shall be deemed to have approved the action proposed. In the event that the Civic Design Committee disapproves of the proposed action, the renovation of the structure may still proceed upon approval by the Mayor.
- d) **PRIVATE PROPERTY.** The Commission may volunteer non-binding advice or suggestion to the owners of private property in relation to public art or civic design projects. Any resident or person who may be about to erect a built structure, designed space, or public art project on private property may submit plans and designs to the Commission for advice and suggestion.

**~~§ 175.04 – RELOCATION APPROVAL VOTE; EMERGENCY ACTION.~~**

~~No existing work of art in the possession of the City shall be removed, relocated or altered in any way without the similar approval of the Art Commission. Any work of art shall be removed, relocated or altered, in any way that may be ordered, by a vote passed, and approved in writing, by two-thirds ( $\frac{2}{3}$ ) of all the members of the Commission, unless the work of art is attached to a portion of a building or other structure in process of demolition. In case the immediate removal or relocation of any existing work of art is deemed necessary by the proper authorities, the Commission shall, within forty-eight (48) hours after notice from them, approve or disapprove of the removal or relocation, and, in case of their failure to act within the period, they shall be deemed to have approved the action proposed.~~

**~~§ 175.05 – TIME LIMITATION ON DECISION.~~**

~~In all other cases under §§ 175.03 and 175.04, if the Art Commission fails to decide upon any matter submitted to them within sixty (60) days after its submission, their decision shall be deemed unnecessary.~~

**~~§ 175.06 – JURISDICTION OVER PUBLIC SERVICE CORPORATION PROPERTY.~~**

~~The Art Commission, acting by a quorum of appointed members, shall have the like power and jurisdiction over any arch, bridge, building, fence or approach which is to be the property of, and is proposed to be erected or placed by, any public service corporation in any street, highway or public place, for any purpose of corporation, and within the lines of any street, avenue, park or public place, and visible to the eye. Among the purposes of the Commission is to secure, so far as may be reasonably practicable, the free light, air and prospect of the streets and open spaces of the city, and to prevent the obstruction of the same by unsightly structures, though lawfully erected. For that purpose the Commission is authorized to devise and recommend for adoption by Council ordinance, the designs and regulations as may tend to prevent the unsightly occupation of the streets and open spaces, and, so far as may be practicable, to promote the beautification of the streets and open spaces.~~

**~~§ 175.07 – PRIVATE PROPERTY.~~**

~~The Art Commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same. Any resident or person who may be about to erect any building or make any improvement may submit the plans and designs thereof to the Commission for advice and suggestion.~~

**~~§ 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 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.~~