

ARTICLE XVII. - PUBLIC ART PROGRAM

§ 287.00 - PURPOSE AND INTENT.

(A) This Article shall be known and cited as the "Public Art Program." (B) It is the intent and purpose of this Article to further the commitment of the City of Tarpon Springs to the aesthetic enrichment of the community through the creation of works of art. The requirements of this Article shall be construed to promote the aesthetic values of the entire community and to encourage the preservation and protection of works of art. The Public Art requirements found in this Article are development standards based on the aesthetic needs of the community and are not intended to be either an impact fee or a tax.

(Ord. 2007-23, passed 7-17-07; Am. Ord. No. 2023-01, passed 2-14-23)

§ 288.00 - DEFINITIONS.

(A) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings: (1) Affordable Housing means housing as defined in Section 71.01 of the City's Land Development Code. (2) Aggregate Job Value means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the project, or whether it is a phased project. Construction costs include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, and site work. (3) Artist or Professional Artist means a practitioner in the visual arts, generally recognized by critics and peers as an Artist of serious intent and ability. Indications of a person's status as an Artist include, but are not limited to, income realized through the commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts. (4) Art, Artwork or Works of Art means tangible creations by Artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as Artist-designed seating and pavers, architectural elements designed by an Artist, and Artist designed landforms or special landscape treatments. The following shall not be considered artwork or works of art for purposes of this chapter: (a) Reproductions (excepting artist limited editions of sculptures) or copies of original artwork. (b) Art objects which are mass produced and/or commercially sold. (c) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an Artist as an integral aspect of a structure or site. (5) Building means any structure that encloses space and is used or built for the shelter or enclosure of persons, businesses, chattel or property. (6) Development means any development or redevelopment that involves a proposed material change in the use or character of the land, including, but not limited to, land clearing associated with new construction, the placement of any structure or site improvement on the land, or expansion of existing buildings. (7) Eligible City Capital Improvement Projects means projects included in the approved Tarpon Springs' Capital Improvement Program for any new facility construction or renovation projects equal to or greater than \$1,000,000.00 including, but not limited to, buildings, greenways, parking facilities, bridges or other above-ground projects. Specifically excluded from this definition are street resurfacing, major drainage, wastewater, below-grade utilities, annual repair and replacement projects and any other project where the funding source is restricted from being used for the purchase of Public Art. (8) Local Artist/Art Associations: Artists or art associations based within the limits of the City of Tarpon Springs. (9) Public Art Committee means the entity appointed by the Board of Commissioners to administer the Public Art Program. (10) Public Art Fund means a separate, interest-bearing account set up by the City to receive monies for the Public Art Program. (11) Publicly Accessible means locations that are open to the general public and artwork that is visible to the general public during normal business hours. (12) Renovation Projects means those projects requiring a City building permit where fifty percent (50%) or more of the building footprint is being modified, rebuilt or improved by construction. (13) Single-Family Residential Lot means a lot in single ownership designed for not more than one (1) family, and is not a part of a series of vacant lots or parcels sharing continuous street frontage under unified ownership. (14) Special Landscape Treatment means the highest application of skill and aesthetic principles to creating unique planted or designated areas, which may include earthworks, gardens, paving and water features, not normally associated with public facility landscaping. (15) Streetscape means City passageways including streets, boulevards and alleyways. They encompass public spaces such as roadways and sidewalks, semi-private spaces such as residential front yards and commercial terraces, and include the street

trees, flower boxes and planters that enhance these spaces.(16)Subcommittee means a subset of the main committee members organized for a specific purpose. Any subcommittee shall act only in an advisory capacity to the main committee. Any subcommittee shall comply with any applicable Sunshine and other open meeting laws.(17)Total Construction Budget means the final approved budget amount for all eligible City capital improvement projects as submitted and approved by the Board of Commissioners in the City's annual capital improvement program budget.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 289.00 - PUBLIC ART COMMITTEE.

(A)There is hereby created and established a committee to be known as the Public Art Committee.(B)The Public Art Committee shall consist of five (5) members, plus two (2) alternate members. The alternate members may substitute for any member of the Committee who is unable to be present at a scheduled Committee meeting. If both alternates are present at a meeting and only one (1) is needed, the member with seniority shall vote. If both have equal seniority the voting member shall be selected by drawing names out of an opaque receptacle. In addition, the Committee is encouraged to have as one (1) additional ad hoc non-voting member, a student who would sit as an observer of the Public Art Committee. Membership of the Public Art Committee shall include a mixture of the following types of individuals:(1)Design Professionals;(2)Visual Artists;(3)Private citizens knowledgeable in the field of Public Art, education, or community affairs; and(4)A student who shall be an ex officio member.(C)All members shall reside in the City. Appointments for voting members shall be made for three (3) years. A member may be reappointed upon approval of the Board of Commissioners.(D)Selection of the Committee members shall reflect the ethnic, artistic, economic, and demographic diversity of the community. All Committee members shall possess an awareness of contemporary art as well as other traditional art forms.(E)City staff shall attend Public Art Committee meetings whenever possible and shall serve as advisor(s) to the Committee without a vote.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2008-30, passed 1-27-09; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 290.00 - POWERS AND DUTIES OF THE COMMITTEE.

(A)The Public Art Committee shall have the following powers and duties:(1)Adoption of Public Art Program Guidelines and amendments thereto;(2)After consensus from the Board of Commissioners as to the desirable locations for Public Art, adoption of a Public Art Master Plan identifying locations for potential public artworks and establishing a priority order;(3)Adoption of an annual budget that shall be approved as an item on a consent agenda by the Board of Commissioners. The initial budget for the Public Art Committee shall be taken from the Cultural and Civic Services Department budget and shall be approved by the City Manager or designee;(4)Authorize expenditures of \$15,000.00 or less in furtherance of the Public Art Program;(5)To recommend other expenditures of the Public Art Fund to the Board of Commissioners over \$15,000.00;(6)To exercise their authority to approve, approve with conditions or disapprove proposed installation of artwork based on Public Art Program Guidelines;(7)To follow the approved Public Art Program Guidelines;(8)To appoint a Jury for specific Public Art projects;(9)To adopt procedures for the functioning of any appointed Jury;(10)To issue written instructions to jurors detailing the Jury's duties and responsibilities relating to a particular project;(11)To pursue matching funds from private and public sources; and(12)To submit a One Year Plan and Budget Request to the Board of Commissioners by the end of April of each fiscal year outlining and explaining the previous year's expenditures and setting forth a description of the major projects undertaken during the year and the progress towards completion for those projects. Additionally, the Budget Request will identify the previous year's revenues, expenditures and the Public Art Fund balance to date, the requested projects and expenses for the upcoming fiscal year, and any resulting Public Art Fund budget shortfall to be met by the City in the Budget Request. The Board of Commissioners shall be the final approver of the Budget Request and the City Manager will prepare the final budget.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 291.00 - PUBLIC ART PROJECT JURIES.

(A)The Public Art Committee may appoint three (3), five (5), or seven (7) Jury members for each Public Art project. The members should strive to appoint a variety of persons as jurors. Appointed jurors may not submit proposals or be associated with any Artist team submitting a proposal for the project being juried.(B)The Jury members may

include the following:(1)The architect (in the case of a building) or site designer (in the case of a project that does not include a building) of the project.(2)A working visual Artist.(3)An arts facility/organization administrator.(4)A representative of the neighborhood where the project is to be located.(5)A member at large.(6)A member of the Heritage Preservation Board if the project is within the Historic Preservation District or a member of the Board of the Tarpon Springs Area Historical Society if the project has historical reference or significance.(C)The Jury shall make recommendations to the Committee of specific Artists and art projects and shall be bound by the same rules of procedure as the Committee, except that a quorum shall be the majority: either two (2), three (3), or four (4) jurors depending on whether the Jury is made up of three (3), five (5), or seven (7) jurors, respectively.(D)The Public Art Committee shall adopt procedures for the functioning of the Jury.(E)The Public Art Committee shall have the option of constituting itself as the Jury. If the Jury is so constituted additional members may be added at the Committee's discretion, with the total number of members being an odd number and the majority number constituting a quorum.(F)Each Jury shall be comprised of either three (3), five (5), or seven (7) jurors depending upon the size and complexity of the individual project.(G)The Public Art Committee shall issue written instructions to jurors detailing the Jury's duties and responsibilities relating to the project prior to the first meeting of the Jury. These instructions shall outline the method by which the Jury is to make its selection as well as the technical and aesthetic criteria on which that selection is to be based. The Jury shall adhere to these written instructions and criteria in making its recommendation.(H)The Cultural and Civic Services Director or designee, in consultation with the Public Art Committee, shall determine the overall budget for the selection of an Artist and the commission of a work of art prior to the first meeting of the Jury. This budget shall be based on the scope of the project and the proposed method of selection. Expenses related to the selection of an Artist will be kept to a necessary minimum as required by each project. The Jury shall adhere to this budget, except in the instance where it is proven to be inappropriate, at which time the initial budget may be altered to accommodate the new conditions subject to the approval of the City Manager or designee.(I)The Jury shall have the option of making no recommendation if there is no proposal judged to be of sufficient merit. In such instances the matter shall be referred back to the Public Art Committee for resolution, which may include a new selection process or the abandonment of the project. (Ord. 2007-23, passed 7-17-07; Am. Ord. 2008-30, passed 1-27-09; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 292.00 - COMMITTEE PROCEDURES.

(A)Chairman. The members shall elect a chairman and vice-chairman from among its members each January.(B)Quorum. The presence of three (3) or more members shall constitute a quorum.(C)Meetings. If any member fails to attend three (3) meetings within a calendar year without cause, and without prior approval of the chairman, the Committee may petition the Board of Commissioners to declare the member's office vacant, and the Board of Commissioners shall promptly fill that vacancy.(D)Conflict of Interest. If any member of the Public Art Committee shall find that his or her private or personal interests are involved in the matter coming before the Committee, he or she shall disqualify himself or herself from all participation in that matter. No member of the Public Art Committee shall have his or her work of art considered or approved by the Committee during their term of service on the Committee or for one (1) year thereafter.(E)The Committee shall elect its own officers and establish by-laws and rules for governing the conduct of meetings, and specifically:(1)The officials of the Committee shall be a chairman and a vice-chairman who have been elected by the Committee. The only limitation on the number of terms of office to which these officials may be elected is the limitation of the number of terms each member of the Committee may serve.(2)The chairman of the Committee may call meetings of the Committee. The meeting date, place, and time must be able to be accommodated by the City as determined by the City Manager.(3)The Committee shall convene monthly unless the Chair determines that there will not be enough business to warrant a meeting, but no less frequently than once every quarter. The Committee may meet more often should the demand necessitate.(4)The Committee may, at any meeting, set a future meeting date.(5)Minutes shall be kept by a City staff member of all meetings.(6)The City shall furnish administrative support, staff members, and office space as required for the purpose of assisting in the implementation of recommendations and advice of the Committee including providing a staff member with an appropriate art background for purposes of researching and helping the Committee draft and finalize the Public Art Master Plan, Public Art Program Guidelines, One Year Plan and Budget Request, and any other necessary documents, or grant proposals.(7)Any policy decision requiring approval by the Committee shall be by motion and approved by a majority of those members present and voting.(F)Legal counsel. The City Attorney's office shall provide legal counsel as may be reasonably required by the Committee for the performance of its functions.(G)All Committee

meetings, communications, and actions shall be consistent with applicable Sunshine and other open meeting laws and conducted using Robert's Rules of Order.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2008-30, passed 1-27-09; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 293.00 - REMOVAL OF MEMBERS.

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The Board of Commissioners shall have the power to remove any members of the Public Art Committee without cause for any reason. The Chairman shall, upon committee declaration pursuant to Section 292.00(C), petition the Board of Commissioners to remove a member for excessive absences from scheduled meetings and workshops

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 294.00 - ARTIST SELECTION METHODS.

(A)The Public Art Committee, with input from the Cultural and Civic Services Director or designee, shall determine the method of Artist selection to be used for each project. The method of Artist selection employed, and the determination as to how that method is to be implemented, will depend upon the Public Art Committee's overall approach to each project and its commitment to fulfilling all aspects of the stated intent of the City's Public Art Program.(B)The Public Art Committee may establish, and the Cultural and Civic Services Director or designee may maintain, a digital and/or slide registry for any Artists interested in being considered for commissions through the City's Public Art Program. In establishing and maintaining an Artists Registry the Committee may partner with the Pinellas County Arts Council or the Florida Council on Arts and Culture. Local Artists and Art Associations will receive preference in being considered for commissions through the City's Public Art Program.(C)The Public Art Committee shall maintain the following guidelines regarding the methods of Artist/artwork selection which may be employed for a particular project:(1)Open Entry Competition. Any Artist is eligible to enter with recognition of the possible residency requirements. The site and prospectus are appropriately advertised. Artists may be asked to submit digital images, photographs, or slides of their past work, residency or location of operations information, resumes and letters of intent related to the specific project or specific proposals for the project under review.(2)Limited Entry Competition. The Public Art Committee or its Subcommittee invites a limited number of Artists to participate in the selection process. The Artists selected may be asked to submit digital images, photographs, or slides of past work or proposals based on the project prospectus. The names of the Artists invited to participate shall be publicly announced upon receipt of written acceptance of the invitation,(3)Direct Selection of the Artist. An Artist is invited to participate in the project and may be asked to develop a proposal for the project. If desired, a team of several Artists may be put together.(4)Direct Purchase of an Existing Artwork. A completed work of art is purchased. No more than ten percent (10%) of the cost of the work may go toward a dealer or agent.(5)In the case of a limited competition and direct selection, an Artist may be asked to develop an artwork proposal for a specific City Public Art project. If asked to develop a proposal, an Artist may be paid a proposal fee on the basis of an approved fee schedule. This proposal fee is contingent upon prior authorization by the Public Art Committee and negotiated prior to the artist undertaking the work. This schedule shall be determined by the Public Art Committee and consist of a sliding schedule based on the total project commission.(D)The following criteria, at minimum, shall also be considered by the Public Art Committee in the selection of an Artist:

(1) Ability of the Artist to complete the project within a specified schedule and budget;

(2)Exhibition and sales history of the Artist, as well as works of art in public collections and previous Public Art purchases or commissions;(3)Appropriateness of their proposal to the particular project;(4)In the case of the design team approach, an Artist's willingness to fully participate in a collaborative process; and(5)Any other criteria set forth in the Public Art Program Guidelines as amended from time to time.(6)If the artist or art association is based within the limits of the City of Tarpon Springs.(E)Members of the Jury and the Public Art Committee shall be excluded from consideration as an Artist on a City Public Art project. Employees of the City of Tarpon Springs may be considered as Artists eligible for selection to provide Public Art to the City as long as all applicable state and federal laws are complied with.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 295.00 - ARTWORK SELECTION CRITERIA.

The following criteria, at minimum, shall be considered by the Public Art Committee in the selection of artwork:

(A)Appropriateness of the artwork to the site and site environmental conditions;(B)Maximum visual accessibility to pedestrian or local vehicular traffic. Locations adjacent or near roadways with speed zones over 35 miles per hour shall be prohibited unless it is demonstrated that the proposed artwork is located in a manner that does not constitute a safety hazard as set forth in the Public Art Program Guidelines; such locations must be approved by the Public Art Committee and the Board of Commissioners.(C)Quality of the artwork;(D)Whether the proposed artwork encourages the preservation of ethnic cultural arts and crafts;(E)Whether the proposed artwork contributes to the City's sense of identity and entails some measure of public significance;(F)Due consideration shall be given to the appropriateness of the proposed design in terms of its scale, form, content and design with respect to its immediate and general, social and physical environment;(G)Maintenance requirements;(H)Whether the artwork too closely resembles a business logo or sign and should, therefore, be rejected; and(I)Any other criteria set forth in the Public Art Program Guidelines as amended from time to time.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 296.00 - ART DESIGN STANDARDS FOR DEVELOPMENT AND REDEVELOPMENT.

(A)All projects and developments consisting of new construction or renovation related to commercial, industrial, mixed-use projects and developments, and residential projects and developments, with the specific exception of renovations to or development of individual single family residential lots which are hereby exempted from the requirements of this Ordinance, any of which equal or exceed an aggregate job value of \$1,000,000.00 which are submitted for building permits must allocate not less than one percent (1%) of the aggregate job value up to the sum of \$100,000.00 per project for the provision of Public Art. If renovations affect multiple structures on a project site, which may be permitted separately, the aggregate job value is based on the construction valuation of all permits for the site.(B)When a project is subject to the requirement of a Public Art allocation, the developer shall have two(2) options:(1)The developer may contract with a professional Artist to create a permanent public artwork as part of the development project. Artworks must be located in publicly accessible locations. If desired, support will be available from both City staff and the Public Art Committee to assist in the selection of an Artist. Before contracting with the Artist, the property owner will submit for approval by the Public Art Committee the Artist qualifications, the Artist's proposal, a statement of how the project satisfies the parameters of the Public Art Program and a budget reflecting that the allocation of funds required by the Program has been met. Such artwork may include amenities such as streetscapes, paving treatments, architecturally integrated water features as well as mosaics, murals, or sculpture, etc. Both the artwork and its location shall be approved by the Public Art Committee prior to contracting with an Artist. The artwork must be completed before a certificate of occupancy will be issued. Artwork may be located on private or public property subject to the following:

a. Location on the same site as the development: The developer must execute a maintenance covenant that runs with the land in a form acceptable to the City, and, in the case of a subdivision association, must include maintenance of the artwork as a perpetual responsibility in the association's declarations.b.Location on private property other than the development site: The development must execute a maintenance covenant that runs with the land in a form acceptable to the City.c.Location on public property: An installation and maintenance agreement with the City and the developer must be approved as to its final form by the Board of Commissioners prior to execution of a contract with an Artist. The installation and maintenance agreement must be executed prior to a Certificate of Occupancy being issued for the development project.(2)In lieu of an on-site project, a developer may contribute one percent (1%) of the aggregate job value to the City's Public Art Fund. This in-lieu fee must be paid prior to approval of the final inspection of the project.(C)Excluded from this requirement shall be:(1)Projects with an aggregate job value under \$1,000,000.00.(2)Residential developments of new construction for affordable housing.(3)Eligible projects pending approval for a building permit that have submitted a complete application prior to the date of passage of this Ordinance provided that:(a)The application is approved within six (6) months of the date of application.(b)Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. 2019-26, passed 1-28-20; Am. Ord. No. 2023-01, passed 2-14-23)

§ 297.00 - SAFETY STANDARDS.

Before any Public Art project is installed in the City, it must be approved by the City's Risk Management Department. It must also be reviewed by the Building Development Department and all applicable permits must have been issued. In addition, a City Public Art Contract must have been executed prior to installation.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 298.00 - PUBLIC ART PROGRAM GUIDELINES.

The Public Art Committee shall prepare, with the assistance of a City staff person as provided for in Section 292.00 herein, and from time to time revise, Public Art Program Guidelines and make the same available to the public which shall provide guidance for program organization; organizational governance and staffing responsibilities; procedures for project planning; art placement criteria; donations, loans and memorials; collection management; and administration of the Public Art Fund. The Board of Commissioners may also from time to time adopt criteria by resolution for design and placement criteria and legal requirements for memorials or other Public Art. Any resolution adopted by the Board of Commissioners shall take precedence over any guidelines adopted by the Public Art Committee.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2008-30, passed 1-27-09; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 299.00 - PUBLIC ART MASTER PLAN.

The Public Art Committee, with the assistance of a City staff person as provided for in Section 292.00 herein, shall prepare, with input from the Board of Commissioners, and from time to time revise, a Public Art Master Plan that identifies types of art and locations for public artworks and establishes a priority order.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2008-30, passed 1-27-09; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 300.00 - APPROPRIATION OF CITY CAPITAL IMPROVEMENT PROJECT (CIP) FUNDS.

(A)Commencing with City of Tarpon Springs Fiscal Year 2007/08, all appropriations for eligible City capital improvement projects that have an aggregate job value of \$1,000,000.00 or more shall include a City Public Art contribution of not less than one percent (1%) of the total construction budget before the addition of the Public Art cost, but not to exceed the sum of \$100,000.00 per project, subject to the City budgeting and appropriating such funds. If the funding source for the project is not legally permitted to be used for artwork or specifically prohibits the use of the monies for designed elements exposed to public view, then for the purpose of calculating the amount of the City Public Art contribution for the project only, the total construction budget shall be reduced on paper for the purposes of calculating the City's contribution to Public Art under this Ordinance only by that portion of the funding so restricted.(B)All appropriations for Public Art will be used as set forth in Section 301.00 herein.(C)Funds appropriated from the budget for one (1) capital improvement project, but not deemed necessary or appropriate for that project, may be used for other areas in the City as prioritized by the Public Art Master Plan and as permitted by law and in accordance with restrictions on the original funding source.(D)The Board of Commissioners shall review and approve a Public Art Master Plan, and amendments thereto, to be prepared by City staff and the Public Art Committee for the expenditure of funds appropriated and fees collected for Public Art. The Public Art One Year Plan and Budget Request shall be developed by the Public Art Committee in consultation with City staff and shall be presented to the Board of Commissioners for approval during its annual budget review process.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 301.00 - PUBLIC ART FUND.

(A)There is hereby created a Public Art Fund administered by the Public Art Committee which shall consist of all contributions received from Public Art fees for development and redevelopment of projects as stated herein, cash grants and donations to the City for Public Art projects from governmental or private resources and all other funds allocated by the City through the budgetary process for the provision of Public Art.(B)The Public Art Fund shall be used solely for expenses associated with the selection, commissioning, acquisition, transportation, maintenance,

public education, promotion, administration, removal and insurance of the works of art or in relation thereto. The Public Art Committee can authorize expenditures of \$15,000.00 or less in furtherance of the Public Art Program. All expenditures in excess of \$15,000.00 must have prior approval from the Board of Commissioners.(C)The City shall maintain a separate accounting of monies received from the operation of this Article.(D)Monies in the Public Art Fund shall be used for:(1)Commissioning, display and acquisition of Public Art including Artist design fees, Artist residency fees, purchase price, transportation, installation and site preparation related directly to the installation of the Public Art;(2)General improvements to the surrounding site and location up to a maximum of fifteen percent (15%) of the artwork cost;(3)Maintenance of Public Art owned by the City of Tarpon Springs including fees paid to the professional conservators and the original Artist for conservation and repair;(4)Promotion and public education including brochures, on-site descriptive plaques, dedication, and Public Art tours;(5)Removal of Public Art including relocation to a new site; and(6)Damage and theft insurance of Public Art.(E)Public Art Fund expenditures shall not be spent for the following:(1)Fees for the project architect, engineer or any professional not contracted by the Artist or by the conservator if the project entails conservation;(2)Construction costs not associated with Public Art; and(3)Normal internal City staff costs.(F)Maintenance Reserve. Within the Public Art Fund, a separate, interest-bearing account will be created to hold reserve monies for Public Art maintenance. With each Public Art project, an amount equal to ten percent (10%) of the artwork cost will be transferred from general Public Art Fund monies to the maintenance reserve.(G)Bond Funding of Capital Projects. All language for bonds approved by voter referendum or by the Board of Commissioners will include Public Art as a category of expenditure related to the capital improvements specified in the bond.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 302.00 - OWNERSHIP OF ARTWORK.

(A)Ownership of existing works of art acquired on behalf of the City pursuant to the requirements of this Article shall be vested in the City, which shall retain title to each work of art.(B)All works of art acquired on behalf of the City pursuant to the requirements of this Article shall be donated and title shall be transferred pursuant to a standard Tarpon Springs Public Art Contract reviewed and approved as to form by the City Attorney.(C)Ownership of existing works of art incorporated into private construction projects shall be vested in the property owner who shall retain title to each work of art. Copyright shall be negotiated between the artist(s) and the property owner. If the property is sold, the seller shall either include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property, or remove the artwork and make a contribution to the Public Art Fund in an amount equal to one percent (1%) of the initial aggregate job value. If the title is passed to a subsequent owner and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with applicable law or other established guidelines. The artwork cannot be altered, modified, relocated or removed other than as provided herein without the prior approval of the Public Art Committee.(D)Property owners retaining title to the subject artwork will be required to maintain the work of art in good condition in the approved location as required by law or other applicable guidelines including, but not limited to, normal code enforcement rules to ensure that proper maintenance is provided.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 303.00 - APPROVAL BY BOARD OF COMMISSIONERS.

The Public Art Committee's or Jury's decision as to the selection, acquisition, allocation, display, placement and location of works of art shall be subject to the Tarpon Springs' Board of Commissioners' approval.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)

§ 304.00 - APPEALS.

Any person adversely affected by an administrative decision of City staff in the application or interpretation of any of the provisions of the Tarpon Springs Public Art Ordinance may appeal the decision to the Board of Adjustment. Any person adversely affected by a decision of the Public Art Committee or a Public Art Jury with regard to the final approval of a piece of Public Art to be installed within the City may appeal the decision to the Board of Commissioners. The Board of Commissioners shall first decide whether to hear the appeal. If by a majority vote, the Board of Commissioners does decide to hear the appeal it may either uphold the decision of the Public Art Committee or Jury, or reverse the decision, or remand the decision with modifications and instructions. Any appeal provided herein shall be taken by filing written application thereof with the Planning and Zoning

Department within ten (10) working days from the announcement of the decision. The application provided for herein shall recite the reasons why the appeal is being taken. No further appeal shall be allowed. Nothing herein shall be construed as creating any cause of action in any court of law or administrative tribunal for the rejection of artwork or under any procedure set forth herein.

(Ord. 2007-23, passed 7-17-07; Am. Ord. 2016-13, passed 1-24-17; Am. Ord. No. 2023-01, passed 2-14-23)