

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ESTABLISHING AN ART IN PUBLIC PLACES PROGRAM, PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHING COMMITTEE ROLES AND RESPONSIBILITIES; PROVIDING FOR OWNERSHIP AND MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent and purpose of this ordinance to further the commitment of the Board of County Commissioners to the aesthetic, historical, cultural, and economic enrichment of the community through the creation of works of art so that citizens and visitors to Nassau County are afforded an opportunity to enjoy and appreciate works of art. The requirements of this ordinance shall be construed to promote the aesthetic values of the community and to encourage the preservation and protection of works of art; and

WHEREAS, the Board of County Commissioners recognizes that a superior and diverse aesthetic character of the County's built environment is vital to the quality of life of its citizens, and the economic successes of its businesses, and serves as an attraction for visitors and a benefit to tourism; and that a public art and design program would contribute to the aesthetic enhancement of the community; and

WHEREAS, the Board of County Commissioners desires to create an Art in Public Places Program that reflects and enhances the County's diversity, character, and heritage through the artworks and designs by artists integrated in architecture, infrastructure, and landscape throughout Nassau County on public property; and

WHEREAS, the County's public art and design program shall promote and unite the community through art, bring public art and education to the community, and create public arts community partnerships; and

WHEREAS, this Ordinance shall be known and cited as the "Art in Public Places Program".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AS FOLLOWS:

SECTION 1: PURPOSE

The Board of County Commissioners recognizes that providing for public art and enhancing the appearance of buildings and spaces provides benefits to the community by expanding the historical, cultural, and creative knowledge of citizens. It further recognizes the diverse aesthetic character of the County's built environment is vital to the quality of the life of its citizens, the economic successes of its businesses, an attraction for visitors and a benefit to tourism; and that a public art and design program contributes to the aesthetic enhancement of the community.

SECTION 2: DEFINITIONS

1. *Aggregate Job Value* means the total of all construction costs associated with a particular permanent art installation. Construction costs shall include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, and site work.
2. *Artist or Professional Artist* means a practitioner in the visual arts, generally recognized by critics and peers as a professional in the field. Indications of a person's status as a professional artist include, but are not limited to, income realized through sole 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.
3. *Art, Artwork, or Works of Art* means tangible creations by an artist 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, unique or original architectural elements and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for purpose of this ordinance:
 - a. Reproductions or unlimited copies of original artwork,
 - b. Art objects, which are mass-produced, or
 - c. Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist or designed as an integral aspect of a structure or site.
4. *Arts and Culture Nassau* is the advisory board established by the Board of County Commissioners, pursuant to Resolution 2010-161, as amended, and shall oversee and administer the Art in Public Places Guidelines.
5. *License Agreement* shall be a temporary agreement between the Board of County Commissioners and an Artist to place Art in Temporary Art Locations on County property.
6. *Permanent Art* means artwork created either as a donation to the County or by the County and intended to be in place for a period greater than one (1) year. Permanent Art shall be installed in cooperation with the artist. The County shall be responsible for ongoing maintenance activities for the life of the artwork.
7. *Publicly Accessible* means locations that are open to the general public during normal business hours and are visible by the general public.
8. *Art in Public Places Design Guidelines* means a set of guidelines established by the Arts and Culture Nassau in cooperation with the County Attorney and County staff to provide procedures for the review, approval and placement of public art.
9. *Temporary Art Locations* means artwork intended to be temporary in nature and lasting no longer than one (1) year. Temporary artwork must be installed, maintained, and removed in

compliance with the approval received by the Arts and Culture Nassau. Any temporary artwork which becomes defaced, altered from its original approval, or destroyed is subject to immediate removal and loss of its approved status.

SECTION 3: COMMITTEE ROLES AND RESPONSIBILITIES

The Arts and Culture Nassau committee shall administer the Art in Public Places Program. Its purpose, functions, role, and responsibilities within the Art in Public Places Program shall be as follows:

1. Develop guidelines, application procedures, selection procedures, and organizational policies for both temporary and permanent artwork to facilitate the Art in Public Places Program.
2. Review and approve temporary art installations for compliance with the established Art in Public Places guidelines with final approval granted by the Arts and Culture Nassau. Temporary art locations shall be determined by the County Manager or his/her designee upon recommendation received from Arts and Culture Nassau. The Board of County Commissioners will be notified of the placement of temporary art as an informational item on a following meeting agenda. Temporary art locations will be specific and are subject to change. The Arts and Culture Nassau may issue recommendations for extending or relocating temporary art to the Board of County Commissioners.
3. Review and issue a letter of recommendation on all permanent art installations pending review by the Board of County Commissioners, and provide notice to applicants that all permanent works of art are subject to final approval by the Board of County Commissioners. Permanent art locations shall be determined on a case by case basis.
4. Establish artist recognition procedures for the placement of plaques. This shall apply to both temporary artwork and permanent art installations. Plaques recognizing the artist shall become property of the County.
5. Related to County construction projects, in concert with County staff, is responsible for working with appropriate department program planning; designating temporary public art locations and long-term/permanent public art locations; provide support in determining project scope and budget; managing the artist selection process; commission artworks; approve design, execution and placement of artworks from the County's public art collection.
6. Issue letter of recommendation to the Board of County Commissioners on final selection of permanent art installations for purchase. Any approvals for purchase are then guided by the County's purchasing requirements.
7. Recruit professionals in the visual arts and design fields to serve in the artist selection process in order to ensure works of highest quality.
8. Encourage public art throughout the County and shall educate and stimulate participation of all citizens in a joint public and private effort to promote art in public places.

9. Ensure appropriate community participation in this process and provides public education activities as part of public art projects.
10. Coordinate, investigate, review, and recommend to the Board of County Commissioners other means by which artworks may be obtained.

SECTION 4: OWNERSHIP AND MAINTENANCE

1. The County shall retain ownership of all permanent works of art acquired and shall retain title to each work of art.
2. Artwork which has been donated to the County as a permanent art installation becomes property of the County upon formal acceptance by the Board of County Commissioners. The County, in cooperation with the artist shall install the artwork. All maintenance activities will be conducted by the County indefinitely or until the artwork is removed.
3. All contracts for artwork that will be acquired or accepted for ownership by the County must be reviewed and approved by the County Attorney's Office.
4. Ownership of all works of art incorporated into private construction projects, as may be required for development approval, shall be vested in the property owner who shall retain title to each work of art. If the property is sold, the seller may either:
 - a. include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property; or
 - b. transfer ownership of the artwork to the Board of County Commissioners to be maintained as public artwork
5. 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 codes or other established guidelines. The artwork cannot be altered, modified, relocated, or removed other than as provided herein without prior approval of the Arts and Culture Nassau.
6. Artwork owners will be required to maintain the work of art in good condition in the approved location, as required by code or other applicable guidelines for all temporary artwork installations including, but not limited to, normal code enforcement rules, to ensure that proper maintenance is provided.
7. The artwork owner may request that artwork be removed from the site due to hardship with the approval of the Arts and Culture Nassau. In addition, in the event there is a condition that occurs outside of reasonable control of the owner, then this provision may be implemented with the approval of the Arts and Culture Nassau.

SECTION 5: SEVERABILITY

If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 6: EFFECTIVE DATE

This Ordinance shall become effective immediately upon final adoption.

ADOPTED this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

DANIEL B. LEEPER
Its: Chairman

ATTEST as to Chairman's signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:

MICHAEL S. MULLIN
County Attorney

