



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2016-2670  
**Type:** Ordinance  
**Status:** Failed to Pass  
**File created:** 4/13/2016  
**In control:** City Council  
**Final action:**  
**Title:** Amendment of Municipal Code Chapter 10-28 by adding new Section 10-28-061 to establish A Piece of Art Pilot Program  
**Sponsors:** Tunney, Thomas, Moreno, Proco Joe, Smith, Michele, Arena, John  
**Indexes:** Ch. 28 Structures On & Under Public Ways  
**Attachments:** 1. O2016-2670.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
5/11/2016	1	Committee on Transportation and Public Way	Held in Committee	
4/13/2016	1	City Council	Referred	

WHEREAS, The Department of Cultural Affairs and Special Events (DCASE) is dedicated to enriching Chicago's artistic vitality and cultural vibrancy, this includes fostering the development of Chicago's non-profit arts sector, independent working artists and for-profit arts businesses; providing a framework to guide the City's future cultural and economic growth, marketing the City's cultural assets to a worldwide audience; and presenting high-quality, free and affordable cultural programs for residents and visitors; and,

WHEREAS, Every person in every neighborhood should be able to experience art and culture, so the City is looking to the future as we develop a new vision and strategy for public art - a recommendation of the Chicago Cultural Plan; and,

WHEREAS, for over 35 Years the City of Chicago has featured sculptures, paintings, murals and more that represent the beauty of public art in Chicago; and,

WHEREAS, these public art installations are part of Mayor Emanuel's efforts to bring public art directly to Chicago neighborhoods and fits into his citywide vision for art and culture, as outlined under the Chicago Cultural Plan. The temporary art installations will be on display for one year; and,

NOW THEREFORE, be it resolved that a new section of the Municipal Code be added to promote the installation of a piece of art.

10-28-061 A piece of art on the public way pilot program.

- a) A piece of art on the public way pilot program ("pilot program") is hereby created as provided in this section.
- b) The following definitions shall apply for purposes of this section:

1) "Commissioner" means the Commissioner of Cultural Affairs & Special Event, as defined in 2-28-030 (b).

2) "Department" means the Department of Cultural Affairs & Special Event.

3) "A Piece of Art" has the meaning ascribed as has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all. It is significant within the art world, amongst curators, commissioning bodies and practitioners of pieces of art, to whom it signifies a working practice of site specific, community involvement and collaboration.

c) It shall be unlawful for any person to erect any piece of art on the public way without first obtaining a public way use permit from the department as provided herein.

d) (1) The commissioner is authorized to issue a public way use permit for installing a piece of public art at locations designated pursuant to subsection (b)(2) of this section.

(2) The commissioner of Cultural Affairs & Special Event, in consultation with the commissioner of planning & development and the commissioner of transportation, is authorized to designate by rule up to 50 locations in the city where public way use permits may be issued for the installation of a piece of art. In designating such locations the commissioner of Cultural Affairs & Special Event shall consider such factors, as determined by rule, which would help to determine

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appropriate locations for pieces of art on the public way, including, but not limited to, any one or more of the following:

- i) the proximity of the location to public transit stations;
- ii) the amount of pedestrian traffic in the location;

(e) An application for a public way use permit for a produce stand shall be made to the department and shall include the following:

- i) the name and address of the applicant;
- ii) the location or proposed location of such produce stand;;
- (iii) a statement that such permit will be accepted subject to the conditions and provisions thereof and subject to the conditions and provisions of all laws and ordinances affecting the maintenance of such pieces of public art stand now or hereafter in effect; and
- (viii) any other information or supporting material required by the commissioner that is reasonably necessary to determine compliance with this Code and all applicable rules and regulations, including plans, drawings, insurance and photographs of the applicant's proposed piece of art.

(1) The commissioner shall forward a copy of an application for a public way use permit for a piece of art to the commissioner of transportation and the commissioner of planning and development within three business days after receipt of the application. The commissioner shall not issue a public way use permit for a piece of art unless the commissioner of transportation and the commissioner of planning and development approve the application.

g) The commissioner shall deny or revoke a public way use permit for operating a produce stand if: (i) the granting of the public way use is not in the best interest of the public, would have a deleterious impact on the neighborhood, or would create a nuisance either on the public way or in the surrounding area; (ii) the design of, or materials used in, the public way use does not comport with the quality or character of the existing streetscape; (iii) the use interferes with or impedes the flow of pedestrian or vehicular traffic, or ingress or egress from any surrounding building, the use of any pole, traffic signs or signals, hydrants, mailboxes or other objects located near the location of the proposed use; or (iv) the applicant makes any false statements, submits any false information or misrepresents any information required under this section.

h) A public way use permit for installing a piece of art shall be issued for a one year period from the time of its issuance. The fee for each public way use permit to install a piece of art shall be zero/ \$50 application fee per year, and the fee shall not be prorated.

This ordinance will be effective 10 days after passage and publication.