

9.76.230 Public art regulations. Public art consists of those displays of art installed on or within a city park or green space, or other city-owned real property as may be permitted in accordance with this section. The City of Eau Claire recognizes the contribution public art can make to the culture, well-being, and enjoyment of the community. The provisions within this ordinance will assist the City in the review of requests to place art in public spaces. Public art permits may be granted by the city council for a period of up to three years, and may be eligible for additional three year renewals. Public art shall not include art, graffiti abatement, way-finding, or other public works or installations by the city. Public art shall not include expressive speech protected by the First Amendment to the United States Constitution and nothing in this chapter is intended to convert any public property into a forum for protected speech.

A. Applications for public art shall be in a form prescribed by the city clerk, shall be subject to prior approval by city council and shall only be granted upon and subject to the conditions described herein.

1. Location Restrictions. Public art shall not:
 - a. be affixed or attached in any way to a landmarked building or structure or a building or structure that is on or eligible for the National Register of Historic Places.
 - b. be permitted on masonry or natural stone surfaces through the application of paint or other like materials.
 - c. interfere with or otherwise deter existing or intended future park, green space or city-owned real property uses, operations or maintenance, as shall be determined by the director of community services and director of engineering, or their designees, as necessary.
 - d. be permitted within the grounds of any city cemetery, memorial or tribute space or other similar location.
 - e. be located on or within any detention pond or similar environmental facility, unless approved by the director of engineering or his or her designee.
 - f. impede growth of landscaping, native plants or neighborhood gardens and shall abide by the city's planting guidelines, on file with the city forester.
 - g. inhibit access to the property or parcel on which it is located.
 - h. be permitted on parcels of land declared by the city council to be excess property unless the public art is temporary in nature, shall not cause damage of any kind to the property and shall be removed within 30 days of installation or sooner as may be required by the city.
 - i. be located within ten feet of any curb ramp or the edge of any trail, path or other similar location.
 - j. restrict any line of sight or vision triangle for vehicular traffic or otherwise reduce public safety as shall be determined by the director of engineering or his or her designee.
 - k. be designed to draw vehicle operators, pedestrians or cyclists into portions of the right-of-way not intended for their specific use.
 - l. be located on any trail, path or other similar location.
2. If public art is intended for application on the side of a building or on a sidewalk or other paved surface as a mural or other similar display, in addition to all other applicable restrictions in this chapter:
 - a. it shall consist of either chalk or paint and as necessary contain a non-slip additive, both of which shall be subject to approval by the director of engineering or his or her designee.
 - b. it shall not create a multi-dimensional effect or optical illusion on any surface intended for use by pedestrians.
 - c. it shall not interfere with the purpose or function of the pavement or building, as shall be determined by the director of engineering or director of community services, or their designees, as necessary.
 - d. if located on a surface intended for use by pedestrians, shall be located only where there is a minimum surface width of ten feet and shall leave a minimum of four feet of clearance, if intended for interaction or entertainment.
 - e. it shall be repainted or reapplied within 60 days of written notice by the city, at applicant's sole expense.
3. Public art may be permitted within the interior of any building, pavilion, shelter, other structure, or structured use area subject to City approval.
4. Public art shall not reduce public safety as shall be determined by the chief of police and fire chief or their designees, as necessary.
5. Public art shall not contain obscenity.
6. Public art shall not imitate traffic signs, symbols or signals in any form, or include other text, numerals or symbols that may distract vehicle operators if public art is visible from the right-of-way.
7. Public art shall not consist of advertising, which shall consist of the promotion of any business, product, event or other similar thing.

8. Public art shall not, at any time, constitute a public nuisance.

9. Public art shall comply with all other provisions in the city code of ordinances.

10. The duration of any park, green space, or other property closure requested by the applicant for installation of art shall be subject to approval by the director community services, or his or her designee, as necessary.

B. The following conditions shall be applied in the case of public art approved by city council:

1. The applicant shall furnish proof that sufficient and proper public liability insurance is carried, in a minimum amount of \$1,000,000, which shall name the city as an additional insured and shall afford adequate protection to the city in connection with the public art;

2. The city may remove, alter, reconstruct or relocate of any public art, or require the applicant to do so, as it may deem necessary at any time and at the applicant's sole expense; and

3. Applicants shall execute waivers or agreements in favor of the city exonerating it from any liability for damages connected with the use of public art, or caused by construction, operation or maintenance of such public art. (Ord. 7243, 2017)