

**CODE OF ORDINANCES
City of
OWENSBORO, KENTUCKY**

**Codified through
Ord. No. 24-2003, adopted May 20, 2003.
(Supplement No. 30)**

ARTICLE V. BOARDS, COMMISSIONS, ETC.*

*Cross references: Board of trustees of pension fund, § 20-211 et seq.; joint planning commission, § 21-18; board of adjustment, § 21-20; riverport authority, § 21-36; parking violations bureau, § 25-99; utility commission, § 26-16 et seq.

DIVISION 10. OWENSBORO PUBLIC ART COMMISSION*

*Editor's note: Ord. No. 66-2002, § 1--5, adopted Dec. 2, 2002 did not specify manner of codification, hence inclusion of these provisions as Div. 10, §§ 2-391--2-395 was at the discretion of the editor.

Sec. 2-391. Definition.

Public art, as here used, means a visual representation located in a public place, and intended for the free enjoyment, benefit and inspiration of the public and the aesthetic enhancement of the city in general.

(Ord. No. 66-2002, § 1, 12-2-2002)

Sec. 2-392. Established.

There is hereby established the "Owensboro Public Art Commission" (OPAC) which shall develop and administer a public art program for the city.

(Ord. No. 66-2002, § 2, 12-2-2002)

Sec. 2-393. Duties and powers.

The OPAC shall have the following duties and powers:

(1) To prepare, and with the board of commissioner's approval, adopt and amend as needed, a plan and guidelines for the selection of appropriate sites within the city for public art, for the selection of works of public art, for the selection of artists to commission to prepare works of public art, and for placement and maintenance of works of public art.

(2) To authorize the purchase of works of public art, to commission the design, execution and/or placement of works of public art, to enter into such contracts and employ such agents or employees as may be necessary for the performance of its duties, and to provide for payment therefor from the public art fund, in accordance with the plan and guidelines developed pursuant to (1) above.

- (3) To consult with the city manager or his designees before the placement of public art on city property;
 - (4) To consult with the city manager with regard to possible use of city employees for the performance of its work whenever such use would be feasible;
 - (5) To promulgate rules and regulations consistent with this division for its internal functions and to facilitate the performance of its duties under this division.
- (Ord. No. 66-2002, § 3, 12-2-2002)

Sec. 2-394. Public art fund.

The commission shall utilize such funds as may be made available to it by the city, or that it may acquire from other public or private sources. All such funds shall be held by the public art commission, or its designee, and designated as the "public art fund." Monies from the public art fund shall be disbursed by order of the Owensboro Public Art Commission and upon requisition of its chairman and secretary. The public art commission shall at least annually, submit a report to the Owensboro Board of Commissioners identifying the source and use of all public and private funds acquired.

(Ord. No. 66-2002, § 4, 12-2-2002)

Sec. 2-395. Membership.

The public art commission shall have twenty-eight (28) members, thirteen (13) of which shall be appointed by the mayor with the approval of the Owensboro Board of Commissioners. Appointed members shall have terms of four (4) years, except that six (6) of those first appointed shall be appointed for a term of two (2) years. The appointed members shall be made up of eleven (11) members from the public-at-large, including an artist, a landscape design professional, an architect, and an attorney. Those holding the following fifteen (15) positions shall be ex officio members having voting privileges; the city manager or his designee; the Director of the Owensboro-Daviess County Tourist Commission; the Director of the Owensboro Museum of Fine Art; the Director of the Owensboro Metropolitan Planning Commission; the Chairman of the Kentucky Wesleyan College Fine Arts Department; the Chairman of the Brescia University Fine Arts Department; the Chairman of the Owensboro Community College Fine Arts Department; Director of the RiverPark Center; President of the Owensboro Art Guild; the director of the community foundation; the President of the Owensboro Chamber of Commerce; the executive director of Industry, Inc; the chairman of the downtown review commission; the chairman of PRIDE, Inc.; and the chairman of the Owensboro Historical Preservation Board. In the event any ex officio member is unwilling or unable to serve, the Owensboro Public Art Commission shall recommend to the mayor a substitute for that member to be appointed in the manner set out above for non ex officio members. Either the recommended substitute, or another selected by the mayor, shall be appointed with approval of the Owensboro Board of Commissioners.

(Ord. No. 66-2002, § 5, 12-2-2002)