



Legislation Details (With Text)

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Int. No. 146

By Council Members Fidler, Comrie, Ferreras, James, Greenfield, Koo, Rose, Koslowitz, Vacca, Lander, Oddo, Halloran and Ulrich

A Local Law to amend the New York City charter, in relation to eliminating the Art Commission and repealing Chapter 37 and Section 224 of Chapter 9 of the New York City charter.

Be it enacted by the Council as follows:

Section 1. Chapter 37 of the New York City charter is REPEALED.

§2. Section 224 of chapter 9 of the New York City charter is REPEALED.

§3. Section 31 of chapter 2 of the New York City charter is amended to read as follows:

Section 31. Power of advice and consent. Appointment by the mayor of the commissioner of investigation and of the members of the [art commission,] board of health (other than the chair), board of standards and appeals, city planning commissioner (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the

environmental control board shall be made with the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§4. Subdivision a of section 1060 of chapter 47 of the New York City charter is hereby amended to read as follows:

a. Except as otherwise provided pursuant to subdivision b of the section, the public may attend all sessions or meetings of the following agencies whenever items on the calendar of such agency are to be considered and acted upon in a preliminary or final manner: [art commission,] conciliation and appeals board, environmental control board, board of health, landmarks preservation commission, city planning commission, board of standards and appeals, tax commission, youth board, and the council and its committees.

§5. Chapter 8 of the New York City charter is amended by adding a new section 206 to read as follows:

§206. Advisory oversight of works of art and structures. a. The term "works of art" as used in this section shall apply to and include all sculptures, paintings, mural decorations, mosaics, stained glass, statues, carvings or castings in high or low relief, inscriptions, monuments, and fountains installed or erected or to be installed or erected upon or over land belonging to the city itself or of an institution, corporation or private individual, and whether intended for ornament, commemoration or actual use.

b. The term "structure" as used in this section shall apply to and include all buildings, walks, bridges and viaducts and their approaches, exterior walls, arches, docks, piers, gates, fences, steps, curbing, distinctive pavings, benches, lamps, posts, traffic signals and signage other than signage guiding, directing or otherwise regulating and controlling traffic erected pursuant to chapter seventy-one of the charter.

c. The city planning commission shall have general advisory oversight over all works of art and structures belonging to the city. It shall advise the agencies having jurisdiction over them as to methods and procedures for their proper maintenance, repair, alteration, removal or relocation.

d. If a city agency fails to expend funds allocated for the proper maintenance of works of art, or allows undue deterioration to occur which threatens the visual and structural integrity of any work of art under its jurisdiction, the commission shall be authorized to review the procedures governing the care of said work and may request the agency to relocate such work to a suitable location approved by the commission.

e. If a work of art or structure as defined in this section concerns a landmark, landmark site, landmark interior, an existing building with a scenic landmark, or an action within a historic district, and requires a report or determination by the landmarks preservation commission pursuant to chapter three of title twenty-five of the administrative code of the city of New York, then, in that event, the powers and duties of the city planning commission with respect to such works of art and structures pursuant to subdivisions c and d of this section shall instead be exercised by the landmarks preservation commission pursuant to its own rules and procedures. Any action taken by such commission pursuant to this subdivision shall be filed with the city planning commission.

f. If a work of art or structure as defined in this section is within the jurisdiction of the department of parks and recreation pursuant to section five hundred thirty-three of chapter twenty-one of the charter, then, in that event, the powers and duties of the city planning commission with respect to such works of art and structures pursuant to subdivisions c and d of this section shall instead be exercised by the department of parks and recreation pursuant to its own rules and procedures. Any action taken by such agency pursuant to this subdivision shall be filed with the city planning commission.

g. The city planning commission shall maintain and make available for inspection a register of (i) works of art in the city's collection which have been preserved and (ii) works of art in the city's collection which are available, as determined by either the agency or the commission, for a new use or relocation. Every agency shall maintain a list of works of art installed in or erected upon city property assigned for use by the agency and shall notify the commission whenever a work of art becomes available, in its judgment, for a new use or location.

§6. Subdivision 11 of section 533 of the New York City charter is amended to read as follows:

11. to plan, plant and maintain trees and other plantings and to plan, acquire, design, construct, improve, alter, repair and maintain works of art, as defined in subdivision a of section [eight hundred fifty-four] two hundred and six of the city charter, on or over the streets, avenues, squares, parks, docks, piers or other public places belonging to the city, except as otherwise provided by law; and, subject to the approval of the mayor, undertake to enter into arrangements with other agencies of the city, state and federal government and recommend to the mayor such arrangements with private, voluntary or commercial agencies, to be entered into subject to the provisions of law, for the performance of functions relating to neighborhood beautification.

§7. Subdivision 11 of section 3020 of the New York City charter is hereby amended to read as follows:

11. In addition to the powers conferred by this chapter, the commission shall have the powers specifically conferred upon it by [chapter thirty-seven] section 206 of the charter.

§8. This local law shall become effective 90 days after approval by the voters of the city at the next general election held after its enactment.

MG
2/22/10