

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY AMENDING VARIOUS PROVISIONS OF CHAPTER 11.45 ("ART IN PUBLIC PLACES PROGRAM") OF THE CATHEDRAL CITY MUNICIPAL CODE

WHEREAS, Cathedral City Municipal Code ("Municipal Code") Chapter 11.45, "Art in Public Places Program," was initially enacted in 2001 to promote the general welfare of the public through acquisition and installation of public art works; and

WHEREAS, Chapter 11.45 requires all parties constructing a commercial or industrial use building within the Cathedral City to provide art in a public place or make an in lieu payment as specifically provided; and

WHEREAS, the City Council wishes to update the ordinance to adjust the amount of the in lieu fund that may be utilized for arts education, and to make other minor non-substantive changes to Chapter 11.45.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. AMENDMENT OF SECTION 11.45.040, "PROJECTS SUBJECT TO ART IN PUBLIC PLACES REQUIREMENT" TO THE MUNICIPAL CODE

Municipal Code Section 11.45.040 shall be amended to read as follows:

11.45.040 Projects subject to art in public places requirement.

The requirements of this chapter shall apply to the following:

A. All new commercial and industrial use projects over fifteen thousand square feet of gross floor area;

B. Remodeling, repair or reconstruction of existing commercial and industrial use property, interior or exterior, where the building permit value exceeds one hundred thousand dollars in changes to the building, excluding landscaping and "acts of God."

C. All public facilities over fifteen thousand square feet of gross floor area constructed by the city ~~or the redevelopment agency~~, except those listed in Section 11.45.050.

Section 3. AMENDMENT OF SECTION 11.45.080, "TIME" TO THE MUNICIPAL CODE

Municipal Code Section 11.45.080 shall be amended to read as follows:

11.45.080 Time.

A. The time in which any act provided by this chapter is to be done is computed by excluding the first day and including the last, unless the last day is a holiday which is also excluded.

B. If the last day of the performance of any act set forth in this chapter is a holiday **or any other day on which City Hall is closed**, then the time in which to perform the act is extended to and including the next day which is not a holiday.

C. If the last day for the performance of any act provided by this chapter is Saturday or Sunday, then the time in which to perform the act is extended to and including the next Monday.

D. Any of the time periods set forth in Section 11.45.070 may be voluntarily waived by the applicant.

Section 4. AMENDMENT OF SECTION 11.45.130, "ART IN PUBLIC PLACES FUND" TO THE MUNICIPAL CODE

Municipal Code Section 11.45.130 shall be amended to read as follows:

11.45.130 Art in public places fund.

A. Any payments collected in accordance with the in lieu contribution provision of this chapter shall be deposited in a separate interest bearing account denominated as the "art in public places fund."

B. The city manager or designee shall establish accounting records sufficient to identify and control the art in public places fund.

C. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent of this chapter.

D. The art in public places fund shall be used to maintain and insure art works installed pursuant to this chapter.

E. On an annual basis, up to ~~five~~ ten percent of the art in public places fund may be used for art education, including any and all ancillary costs associated with funding such art education (the "arts education allocation"). The ~~five~~ ten percent arts education allocation shall be calculated annually based on the total balance in the art in public places fund as of July 1 of each fiscal year. Any unused portion of the ~~five~~ ten percent arts education allocation shall remain in the art in public places fund. The ~~five~~ ten percent arts education allocation shall not be cumulative and shall be re-calculated every fiscal year.

F. The public arts commission shall make recommendations to the city council concerning the use of the public arts fund to purchase or commission art works. The public arts commission shall also make recommendations to the city council concerning the use of the art in public places fund to engage in art education.

G. The decision to use the art in public places fund to purchase or commission art work shall be based on the guidelines set forth in Section 11.45.100.

H. All decisions regarding the use of the art in public places fund shall be made by the city council.

I. Administration of the art in public places fund shall comply with the provisions of Government Code Section 66000 et seq.

Section 5. AMENDMENT OF SECTION 11.45.160, "PUBLIC NUISANCE" TO THE MUNICIPAL CODE

Municipal Code Section 11.45.160 shall be amended to read as follows:

11.45.160 Public nuisance.

Failure to comply with Sections 11.45.030 and 11.45.140(A) of this chapter shall constitute a public nuisance which shall be subject to the provisions of ~~Chapter 13.80~~ Title 13 of this code.

Section 6. AMENDMENT OF SECTION 11.45.170, "INFRACTION VIOLATION" TO THE MUNICIPAL CODE

Municipal Code Section 11.45.170 shall be amended to read as follows:

11.45.170 Infraction Violation.

A violation of Sections 11.45.030, 11.45.090(A) and 11.45.150 of this chapter by any person responsible for committing such violation shall constitute an infraction violation and the violator shall be subject to the provisions of Chapter ~~13.80~~ **13.65** of this code, including, but not limited to, the imposition of any and all criminal penalties set forth therein.

Section 7. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 8. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 9. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 10. CITY ATTORNEY REVIEW

The City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

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Section 11. EXECUTION AND CERTIFICATION

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2015 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Charles R. Green, City Attorney