

## Chapter 3.32 PUBLIC ARTS

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### 3.32.010 Program Created.

This chapter may be known and cited as the “City of Bellflower Public Arts Ordinance.” The intent of the Public Arts Ordinance is to promote the visual arts in the City of Bellflower by creating a collection of permanent outdoor art work by recognized artists throughout the City, to be of public benefit, and to present the community with a variety of art work styles and themes, all of the highest possible quality. (Prior code § 9-12.1)

### 3.32.020 Definitions.

As used in this chapter:

#### **Applicant**

“Applicant” shall mean the owner of the property or tenant utilizing the property and seeking the required permits.

#### **Art Work**

“Art work” shall mean original creations of art which is intended for and capable of being displayed outdoors, including but not limited to, the following categories: sculpture, murals, mosaic and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile and stone, as well as other suitable materials.

#### **Capital Improvement Project**

“Capital improvement project” shall mean any project to improve publicly owned property which is paid for by the City of Bellflower or the Bellflower Redevelopment Agency, excluding all property acquisitions and improvement projects funded by the City’s General Fund.

#### **Commercial/Industrial Development Project**

“Commercial/industrial development project” shall mean any project which results in the development of property in any land use categories, except for single- and multi-family residential projects designed for long-term occupancy.

#### **Project Cost**

“Project cost” shall mean the total value of a project, excluding the land value, as determined by the Building Official of the City, and indicated on the building permit that is issued by the City for that project.

#### **Public Place**

“Public place” shall mean any exterior area on public or private property, which is accessible and visible to the general public.

#### **Residential Project**

“Residential project” shall mean all single and multi-family residential projects designed for long-term occupancy and excludes all motels, hotels, boarding houses, or public or quasi-public institutions which are considered to be commercial/industrial development projects. (Prior code § 9-12.2)

### **3.32.030 Projects Subject to the Public Arts Ordinance.**

- A. The requirements of this chapter shall apply to the following activities:
1. All capital improvement projects where the project cost exceeds two hundred and fifty thousand dollars (\$250,000.00);
  2. All commercial/industrial development projects where the project cost exceeds two hundred and fifty thousand dollars (\$250,000.00); and
  3. All residential projects of more than two (2) lots or units, including single-family residential structures, condominiums, apartments, townhouses or other dwelling units, where the project cost exceeds five hundred thousand dollars (\$500,000.00).
- B. Notwithstanding the foregoing, the requirements of this chapter shall not apply to the following activities:
1. Any project which consists solely of the reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
  2. Any project constructed by a government agency other than the City or the Bellflower Redevelopment Agency or which is constructed on property exempt from taxation pursuant to California [Revenue and Taxation Code](#) Section 214; and
  3. Single and multi-family residential remodeling. (Prior code § 9-12.3)

### **3.32.040 Requirement to Provide Art Work or Pay In-Lieu Contribution.**

When a project is subject to the requirements of this chapter, the applicant shall provide public art by complying with one (1) of the following provisions. The choice of compliance methods shall be within the sole discretion of the applicant.

- A. **Acquiring and Installing Art.** The project applicant shall acquire and install art work in a public place on or in the vicinity of the project site, as approved by the City Council pursuant to this chapter. The cost or value of such work shall equal or exceed one percent (1%) of the project cost.
- B. **In-Lieu Contribution.** In-lieu of acquiring and installing art work, the project applicant may contribute an amount equal to one percent (1%) of the project cost to the Public Arts Fund. (Prior code § 9-12.4)

### **3.32.050 Public Arts Application Process.**

The requirements and procedures for the processing of compliance with this chapter shall be as follows:

- A. Whenever an applicant proposes a project that may be subject to the provisions of this chapter, it shall be provided with a copy of this chapter and a public arts application form.
- B. All applicants subject to the Public Arts Ordinance must complete and sign a public arts application form.
- C. If the applicant elects to make a contribution in lieu of providing public art, it must pay to the City a fee equal to one percent (1%) of the project cost. Building permits will not be issued until the in-lieu fee has been paid. In such cases, approval of the public arts application by the City Council is not required; the application will be approved by the City Manager or his/her designee.
- D. If the applicant elects to provide public art, the following provisions apply:
1. If the applicant is not the property owner, he or she must submit a letter from the property owner, in a form acceptable to the City, acknowledging the property owner's understanding and acceptance of the property owner's responsibilities under the Public Arts Ordinance.

2. Within thirty (30) days of receipt of a completed application, the City Manager or his/her designee shall forward the application, with appropriate comments and recommendations, to the City Council.
  3. The City Council shall approve, approve in part, conditionally approve or deny the application based upon the standards set forth in Section 3.32.060, including determination of whether the cost or value of the art equals or exceeds the required cost or value.
  4. Upon approval by the City Council and prior to the issuance of any building permits, the applicant shall deposit with the City an amount equal to one percent (1%) of the project cost. This deposit is refundable upon completion of the project, which includes the installation of the approved work of art.
  5. The certificate of occupancy or final sign-off on the building permit(s) shall not be issued until the approved work of art has been installed.
- E. In the event the applicant elects not to complete the project, and after any unsafe and/or nuisance condition arising from the project have been abated to the satisfaction of the City, and after all outstanding building permits have been vacated, the applicant may request, in writing, that any deposit or in-lieu fee be refunded. After all the aforementioned conditions have been met, the City will make the refund to the applicant within thirty (30) days. (Prior code § 9-12.5)

### **3.32.060 Standards for Art Works.**

Standards for the approval, siting, and installation of art works shall include, but are not limited to, the following criteria:

- A. The art work shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the art work or its placement on the site. The public arts application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the art work.
- B. The composition of the art work shall be of a permanent type of material in order to be durable against vandalism, theft, and weather and requiring a low level of maintenance.
- C. The art work shall be designed and constructed by an artist(s) experienced in the production of such art work and recognized by critics and by his/her peers as one who produces works of art.
- D. The art work shall be permanently affixed to the property.
- E. Unless otherwise permitted in the sole discretion of the City Council, the following items are not to be considered as works of art:
  1. Art objects which are mass produced from a standard design;
  2. Reproductions of original art works, although limited editions are acceptable;
  3. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the art work;
  4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are an integral part of the art work by the artist; or
  5. Services or utilities necessary to operate or maintain the art work. (Prior code § 9-12.6)

### **3.32.070 Maintenance of Art Works.**

- A. The art work installed on a project site by an applicant shall be and remain the property of the owner of the project site. Art work installed on City property shall be the property of the City.
- B. The art work and its setting shall be maintained by the property owner in good repair and in a safe, functional, accessible, and clean condition, all in a manner acceptable to the City prior to the issuance of the certificate of occupancy or final sign off on the building permit for the project, the property owner shall execute and record with the Los Angeles County Recorder, covenants, conditions and restrictions in form and content approved by the City Manager and the City Attorney providing, among other things that the property owner and its successor and assigns shall maintain the art work as required by this section. The property owner may assign the obligations of this Subsection (B) to the applicant without having to first obtain the prior approval of the City. (Prior code § 9-12.7)

### **3.32.080 Public Arts Fund.**

- A. Accounting. Any moneys collected in accordance with the in-lieu contribution provisions of this chapter shall be deposited in a separate account denominated as the "Public Arts Fund." The City Manager or his/her designee shall establish accounting records sufficient to identify and control these funds.
- B. Use of Fund. The Public Arts Fund shall be used to provide works of art in public places in order to further the intent and purpose of this chapter as set forth in Section [3.32.010](#). Annually, no more than fifteen percent (15%) of the fund balance will be designated for project support, staffing, travel, curatorial services, preservation, and maintenance of city artworks.
- C. Permissible Expenditures. Expenditures of funds shall be limited to the following uses:
1. The cost of art work and its installation;
  2. Waterworks, landscaping, lighting and other objects which are an integral part of the art work;
  3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the art work;
  4. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the art work;
  5. Maintenance and repair of art works funded through the Public Arts Fund.
- D. Administration.
1. The Public Arts Fund shall be administered by the City Manager.
  2. The City Manager shall make recommendations to the City Council concerning the purchase or commissioning of art works, including:
    - a. Places which should be considered for art works;
    - b. The medium of the proposed art work; and
    - c. The artist whose work should be considered for placement in the recommended location.
  3. Selection of artists and art works shall be based on the standards set forth in this chapter.
  4. The City will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the art work.
  5. On-site activity in connection with the art work installation shall be coordinated by the City Manager or his/her designee.
  6. Maintenance and repair of art works funded through the Public Arts Fund may be financed

from that account.

7. In so far as is practical, in the event repair of the art work is required, the City shall first give the artist who created it the opportunity to do that work for a reasonable fee. In the event the artist is unable to do so, the City may proceed to contract for such repair with another qualified artist.

E. Endowments. The Public Arts Fund shall also be used as a depository for monetary endowments, bequests, grants or donations made for public arts purposes. Such sums may be expended as set forth in this chapter. (Prior code § 9-12.8)

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