

**ORDINANCE NUMBER 1384**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ADDING CHAPTER 5.60, ENTITLED "PUBLIC ART FEE," TO TITLE 5, "BUSINESS REGULATIONS AND LICENSES," OF THE PERRIS MUNICIPAL CODE, WHICH ESTABLISHES A PUBLIC ART FEE FOR NEW DEVELOPMENT IN THE CITY***

**WHEREAS**, the City conducted an analysis of public art fees that examined local and regional municipalities that have implemented a Public Art Fee Program and calculated the appropriate level of the related fees; and

**WHEREAS**, cultural and artistic resources, including, but not limited to, visual artwork, the performing arts, and architectural resources, enhance the quality of life for individuals living in, working in and visiting the City; and

**WHEREAS**, balanced development of cultural and artistic resources preserves and improves the quality of the urban environment, increases real property values, and has a positive economic impact; and

**WHEREAS**, as development and revitalization of real property within the City continues, the opportunity for creation of cultural and artistic resources is diminished. As these opportunities are diminished and urbanization occurs, the need to develop alternative sources for cultural and artistic outlets to improve the environment, image and character of the community increases; and

**WHEREAS**, the purpose of this Ordinance is to establish a public art fee to implement improvements that are necessary for the safety, health, and welfare of the residents and provide opportunities for the creation of cultural and artistic resources in the City, which will be established and adjusted from time to time by resolution; and

**WHEREAS**, this Ordinance will add Chapter 5.60 to the Perris Municipal Code ("Chapter 5.60"), to establish a "Public Art Fee" on new industrial development to fund the Public Art Initiative to provide opportunities for residents and visitors to experience artistic, historic, memorial and cultural aspects of Perris through the placement of artwork in public spaces and support a range of artistic, musical, and cultural activities, programs, and venues, that may include but are not limited to, youth-oriented public art events, live theatre, music and dance festivals, museum activities, music and arts education, memorial and murals, and facilities that support the creation, performance, and exhibition of art; and

**WHEREAS**, the Public Art Fee will fund the City's Public Art Initiative (PAI) that aligns with the City's General Plan Healthy Community Element adopted on June 9, 2015, facilitating the promotion of public spaces that foster positive human interaction and encourage the development and display of public art to promote the history, heritage, and culture of Perris;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The City Council finds the above recitals are true and correct and incorporated herein by this reference.

**Section 2.** CEQA. This ordinance was assessed in accordance with the authority and criteria contained in CEQA, the State CEQA Guidelines (“CEQA Guidelines”), and the environmental regulations of the City. The City Council finds and determines that this ordinance is not a “project” for the purposes of CEQA and consistent with CEQA Guidelines Section 15378, as it merely establishes or updates an existing funding mechanism and its related administrative process and will not result in direct or indirect physical changes in the environment as compared to the current baseline. Additionally, the City Council finds and determines for the same reasons that even if this ordinance were a project for the purposes of CEQA, there is no possibility that this project may have a significant adverse effect on the environment pursuant to CEQA Guidelines, Section 15061(b)(3). Therefore, this ordinance is not subject to CEQA.

**Section 3.** Chapter 5.60, entitled “Public Art Fee,” is hereby added to Title 5, “Business Regulations and Licenses,” of the Perris Municipal Code as follows:

“Chapter 5.60 – Public Art Fee

5.60.010 Purpose and intent.

- (a) This chapter may be known and cited as the “City of Perris Public Art Initiative (PAI).” The intent of this initiative is as follows:
  - (1) To provide a collection of nationally recognized permanent and temporary artwork throughout the city to be of public benefit. The initiative is designed to expand the opportunities for residents and visitors to experience artistic, historic, memorial and cultural aspect of the City of Perris through the placement of artwork in public places.
  - (2) To generate funding to support a range of artistic, musical, and cultural activities, programs and venues, that may include but are not limited to, youth-oriented public art events, live theatre, music and dance festivals, museum activities, music and arts education, and facilities that support the creation, performance, and exhibition of art.
- (b) Therefore, this chapter will implement a unified public art fee program to fund the acquisition, design, development, and construction of cultural, memorial and artistic resources within the city, including, but not limited to, visual artwork, the performing arts, and architectural resources.
- (c) The public facilities to be funded by the public art fees are those relating to cultural, memorial and artistic resources, including, but not limited to, visual artwork, the performing arts, and architectural

resources, (the "Public Facilities"). The Public Facilities are described in detail in the facilities study adopted by the city council from time to time and incorporated herein by reference.

- (d) The public art fees imposed under this section are in addition to any other fees, dedications, construction requirements, or other exactions imposed as a condition of approval for a development project, or under the provisions of any state or federal law, or other provisions of this code, or city resolutions and policies.

5.60.020 Imposition and accounting of public art fees.

- (a) No developer, property owner, or other person or entity shall be eligible to receive building permits, nor any occupancy permits, for any development project unless the provisions of this section have first been complied with for that project. The requirements of this section are hereby imposed as a condition of development approval for each development project in addition to being a requirement of this code.
- (b) The public art fee amounts shall be established and adjusted by resolution of the city council from time to time in accordance with the procedures set forth in state law.
- (c) Public art fees paid pursuant to this section shall be segregated and deposited into a separate fund and used only for the purpose of implementing the Public Art Initiative (PAI) and applicable public facilities that support the creation, performance, and exhibition of art to the extent permitted by law.
- (d) The city may impose such additional conditions of approval as are necessary or appropriate to implement the purposes of this section.

5.60.030 Credit and reimbursement policy.

For qualifying public art facilities constructed as part of a development project, the city council may establish policies and procedures for granting credit against a public art fee or providing for reimbursement from public art fees paid by other developers. Such policies and procedures shall be established by resolution.

**Section 4.** Severability. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

**Section 5.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 6.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

**ADOPTED, SIGNED and APPROVED** this 8<sup>th</sup> day of October, 2019.

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Michael M. Vargas, Mayor

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    )  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number 1384 was duly introduced at a regular meeting of the City Council of the City of Perris held on the 24<sup>th</sup> day of September, 2019 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of October , 2019, and that it was so adopted by the following vote:

AYES: ROGERS, MAGAÑA, CORONA, RABB, VARGAS  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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City Clerk, Nancy Salazar