

**Desert Hot Springs Municipal Code**

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[Title 17 ZONING](#)[Chapter 17.60 ART IN PUBLIC PLACES PROGRAM](#)**17.60.060 Art in Public Places Fund.**

A. Establishment of Art in Public Places Fund. There is hereby created a fund to be known as the Art in Public Places Fund into which shall be deposited all fees paid pursuant to this chapter.

B. Purpose of the Funds Collected. The funds collected pursuant to subsection B of Section 17.60.050 shall be used for the acquisition, installation, improvements—including site preparation, lighting and landscaping—of public art in order to further the intent of this chapter, and to administer the Art in Public Places Program.

C. Use of the Funds Collected. The Community and Cultural Affairs Commission shall make recommendations to the City Council regarding the proposed use of the funds collected pursuant to this chapter. The City Council shall have the sole authority to appropriate for expenditure the use of such funds. The City Manager shall include in the annual budget and/or the Five-Year Capital Improvement Program the proposed use of funds collected pursuant to this chapter.

D. Records and Accounting. The City Manager or designee shall establish accounting records sufficient to identify and control the funds collected pursuant to this chapter.

E. Administrative Costs. No more than 25% of the funds collected pursuant to this chapter for each public art project shall be used to pay administrative costs, including the processing of the public art applications, reviewing and approving public art sites and art works, monitoring, compliance, and any other administrative task.

F. Program Administrative Costs. Of the administrative costs set forth in subsection E of this section, up to 2% may be used to pay program administrative costs, including costs associated with collecting in-lieu fees, recordkeeping, reporting, and general administration of the Public Arts Program. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.060)

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### 17.60.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions shall apply:

“Applicant” means a developer of a development project subject to provisions of this chapter.

“Art” or “public art” or “public art project” means an original creation of art that is designed by a professional visual artist or artists. Art includes, but is not limited to, sculpture, mural or portable painting, earthwork, fiber-work, mosaic, photograph, print, calligraphy, any combination of forms of media, furnishings or fixtures.

“Artist” means any person who engages in an activity defined as an art, public art or public art project pursuant to this chapter.

“Building valuation” means the value of the building or other construction project based on the Building Official’s estimate of the development project valuation, computed using the latest building valuation data as set forth in International Conference of Building Officials, unless in the opinion of the Building Official, a different valuation is appropriate for particular projects.

“City” means the City of Desert Hot Springs.

“City Council” means the City Council of the City of Desert Hot Springs.

“City Manager” means the City Manager of the City or designee.

“Community and Cultural Affairs Commission” means the Desert Hot Springs Community and Cultural Affairs Commission established pursuant to Chapter 2.44 of the City of Desert Hot Springs Municipal Code.

“Development project” means all physical changes and improvements needed to complete a new residential, commercial, or industrial project in the City. Such physical changes shall include the construction of new structures and buildings, expansion, remodeling or tenant improvement of any existing building or structure. For purposes of this chapter, “development project” specifically excludes the expansion, remodeling or tenant improvement of any existing commercial building or structure, valued at less than \$100,000.

“Financial security” means cash or bond.

“Freely available” means that the art is accessible to the public for viewing, in a direct line of sight, for a period of 10 hours per day, 7 days per week, with the option of excluding national holidays. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.020)

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