

SEOUL METROPOLITAN GOVERNMENT FRAMEWORK ORDINANCE ON CULTURAL CITY

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance is to realize cultural welfare, with which citizens can experience a satisfying life, and develop Seoul into a city with international competitiveness by providing for fundamental matters necessary for the development of Seoul to a people-oriented cultural city, the matters delegated by the Culture and Arts Promotion Act and the Enforcement Decree of the same Act and the Promotion of Local Cultural Institutes Act and the Enforcement Decree of the same Act; and the matters necessary for the enforcement thereof.

Article 2 (Basic Idea)

The underlying concept of this Ordinance is to develop an urban environment that enables citizens to display their self-regulating and creative cultural capabilities and to enjoy a cultural life autonomously.

Article 3 (Definitions)

(1) The terms used in this Ordinance shall be defined as follows:

1. The term "cultural city" mean a city in which the realization of the following gives citizens a sense of cultural identity in their daily lives:

- (a) The realization of culture and arts to make life, itself, a cultural phenomena;
- (b) The development of people-oriented, pleasant urban spaces;
- (c) The realization of cultural welfare that guarantees the minimum enjoyment of culture;
- (d) The promotion of culture, arts, and cultural industries based on knowledge and creativity;
- (e) The establishment of citizens' culture for living together;

2. The term "culture and art festival" (hereinafter referred to as "festival") means a culture and art event held by the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government"), an autonomous Gu, or the private sector, with a combination of cultural, artistic, or folk programs for the unity of citizens, the promotion of tourism, etc.;

3. The term "local cultural institute" means a corporation established in an autonomous Gu to implement local cultural programs under Article 2 of the Promotion of Local Cultural Institutes Act.

(2) Other terms used in this Ordinance shall be defined by provisions of statutes applicable to the cultural sector.

Article 4 (Relationships to other Statutes and Regulations)

Except as otherwise expressly provided for by other statutes and municipal ordinances and Rules of the Seoul Metropolitan Government, provisions of this Ordinance shall apply to the implementation of policies for the realization of a cultural city (hereinafter referred to as "cultural city policy").

Article 5 (Mayor's Responsibility)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall endeavor to grow Seoul into a cultural city, formulate and implement policy for improving citizen's access to culture and arts, and ensure that a balance is kept between different regions and between various fields of culture and arts.

(2) The Mayor shall endeavor to enhance cultural identity of Seoul pro-actively so that traditions can harmonize modern matters; and to promote exchanges of local and international cultures.

CHAPTER II BASIC DIRECTION-SETTING FOR CULTURAL CITY POLICY

Article 6 (Fostering, etc. of Culture and Arts)

CHAPTER II BASIC DIRECTION-SETTING FOR CULTURAL CITY POLICY(1) The Mayor shall endeavor to foster cultural and artistic activities of culturists and artists and create cultural facilities and appropriate conditions for assisting them in such activities.

(2) The Mayor may subsidize autonomous Gus or individuals, corporations, and organizations for expenses incurred in conducting activities for fostering and promoting culture and arts, etc. <Newly Inserted by Seoul Metropolitan Government Ordinance No. 6023, Oct. 8, 2015>

(3) The Mayer shall take measures for promoting participation by the private sector in order to ensure efficiency in the creation, development, and operation of cultural facilities and cultural programs. <Amended by Seoul Metropolitan Government Ordinance No. 6023, Oct. 8, 2015>

Article 7 (Creation of Cultural Urban Environment)

(1) The Mayor shall endeavor to develop urban scenary artistically and aesthetically, and to preserve and restore historic cultural heritage of Seoul.

(2) The Mayor shall endeavor to develop cultural features of each area, and to create and preserve an environmentally friendly, pleasant urban and residential environment in performing urban development projects, including urban planning and building works.

Article 8 (Promotion of Cultural Welfare)

The Mayor shall take measures to guarantee that every citizen can experience culture in daily life, without burdens; and have opportunities to actively participate in cultural activities.

Article 9 (Fostering of Cultural Industry)

The Mayor shall formulate and implement a policy for the extension of facilities, the provision of technology and human resources, assistance in business startups and distribution, etc. for the promotion of the cultural industry based on knowledge and creativity.

Article 10 (Establishment of Citizen Culture)

(1) The Mayor shall endeavor to ensure that a sound citizen culture is established by pro-actively supporting citizens' sound cultural activities.

(2) The Mayor may implement various cultural, educational programs in order to increase citizens' opportunities for cultural education; and may support relevant programs to promote such opportunities.

(3) The Mayor shall endeavor to introduce educational programs related to culture into curricula of schools.

CHAPTER III SYSTEM FOR IMPLEMENTATION OF POLICIES FOR URBAN CITY

Article 11 (Formulation and Implementation of Plans for Development of Cultural City)

CHAPTER III SYSTEM FOR IMPLEMENTATION OF POLICIES FOR URBAN CITY(1) The Mayor shall formulate and implement a comprehensive and systematic plan for the realization of a cultural city (hereinafter referred to as "comprehensive plan for a cultural city") in accordance with the basic direction-setting for the cultural city policy under Articles 6 through 10.

(2) The Mayor may advise the head of each autonomous Gu (hereinafter referred to as the "head of each Gu") to reflect the comprehensive plan for a cultural city in various project plans and may render assistance to the head of each Gu in related projects.

Article 12 (Collection of Opinions from Citizens)

When the Mayor intends to formulate a comprehensive plan for a cultural city, he/she shall collect opinions from ordinary citizens, institutions and organizations related to culture, etc.

CHAPTER IV ADVISORY COMMITTEE ON CULTURAL CITY

Article 13 (Purpose and Functions)

CHAPTER IV ADVISORY COMMITTEE ON CULTURAL CITYPOLICY OF SEOUL GOVERNMENT

(1) An advisory committee on the cultural city policy of the Seoul Metropolitan Government (hereinafter referred to as the "Advisory Committee") may be established in order to implement policies on the promotion of culture and arts, with a system established for cooperation with the private sector.

(2) The Advisory Committee shall perform the following functions:

1. Rendering advice on basic policies and plans of the Seoul Government for the realization of a cultural city and the promotion of culture and arts and making proposals for related programs;
2. Rendering advice on research development with regard to policies for a cultural city and the promotion of arts;
3. Deliberating and rendering advice on the operation of festivals under Article 25 (including the creation and ceasing of a festival, changing timing, and the hosting of a festival) and on assistance in festivals hosted by the private sector under Article 26;
4. Rendering advice on other matters necessary for the realization of a cultural city and the promotion of culture and arts.

Article 14 (Composition of Committee)

- (1) The Advisory Committee shall be composed of members commissioned from among private experts, non-governmental organizations, ordinary citizens, etc., and the term of office of each committee member shall be two years: Provided, That the term of office may be renewed consecutively only once.
- (2) If the Advisory Committee deems it necessary for efficient operation, it may form and operate a subcommittee composed of not more than 13 members for each section, including cultural policy, festivals, cultural heritage, and sports.
- (3) The chairperson of a subcommittee shall be elected by and from among members and shall represent the subcommittee and preside over meetings of the subcommittee.
- (4) The Advisory Committee shall have one executive secretary and one clerk for each section, as necessary; the Director in charge of organizing meetings of the Committee shall serve as executive secretary, while the officer in charge shall serve as clerk.

Article 15 (Operation of Committee)

- (1) A Committee meeting shall be called by the Mayor, whenever he/she deems it necessary to deliberate or seek advice on any of the matters specified in Article 13.
- (2) When the Mayor intends to call a Committee meeting, he/she shall give written notice of the date, time, and venue of the meeting, items on the agenda, etc. to each committee member by not later than seven days before holding the meeting: Provided, That the foregoing shall not apply in an emergency or where an inevitable circumstance exists.
- (3) A majority of current Committee members shall comprise a quorum at a meeting, and any decision thereof shall require the concurring vote of a majority of those present.
- (4) No committee member shall participate in deliberation on any case in which he/she has a direct interest.
- (5) Meetings of the Advisory Committee (including subcommittees under Article 14; the same shall apply hereafter in this Article) shall be open to the public: Provided, That the Advisory may decide not to make a meeting open to the public, if it concludes that it is necessary to do so. <Newly Inserted by Seoul Metropolitan Government Ordinance No. 6023, Oct. 8, 2015>
- (6) The Advisory Committee shall take minutes of each meeting, recording the date, time, and venue of the meeting, committee members present, issues on which the Committee deliberated and rendered advice, and resolutions passed. <Newly Inserted by Seoul Metropolitan Government Ordinance No. 6023, Oct. 8, 2015>

Article 16 (Request to Related Institutions, etc. for Cooperation)

When the Advisory Committee deems it necessary, it may request related institutions, organizations, etc. to furnish it with data, present their opinions, and cooperate therewith as necessary.

Article 17 (Allowances and Travel Expense)

Allowances may be paid and travel expense reimbursed to committee members who are not public officials within the budget.

Article 18 (Detailed Rule of Operation)

Except as otherwise provided for by this Ordinance, matters necessary for the operation of the Advisory Committee shall be determined by the chairperson after resolution by the Advisory Committee.

CHAPTER V DESIGNATION AND FOSTERING OF SPECIALIZED ART CORPORATIONS AND ORGANIZATIONS

Article 19 (Designation of Specialized Art Corporations and Organizations)

CHAPTER V DESIGNATION AND FOSTERING OF SPECIALIZED ART CORPORATIONS AND ORGANIZATIONS(1) A person who wishes to be designated as a specialized art corporation or organization, among nonprofit corporations or organizations under Article 7 (2) of the Culture and Arts Promotion Act, shall file an application for designation (or amendment) thereof, with the Mayor in accordance with Article 4 (1) of the Enforcement Decree of the afore-mentioned Act. The same procedure shall apply where a person intends to change any detail in the designation in accordance with Article 4 (2) of the Enforcement Decree of the afore-mentioned Act.

- (2) In order to be qualified for designation of a specialized art corporation or organization, a person shall meet the following criteria:
 1. A nonprofit corporation or organization in operation, domiciled in Seoul and registered as a business;
 2. A corporation or organization whose main objective is to operate an art company, a theater, a museum, or a gallery, and that maintains a self-supporting organization and an independent accounting system;
 3. Other necessary criteria shall be prescribed by Rule of the Seoul Metropolitan Government.
- (3) Upon receipt of an application for designation under paragraph (1), the Mayor shall determine whether to designate the applicant after deliberation by the "Committee for Deliberation on Specialized Art Corporations and Organizations." Matters subject to deliberation in such cases, are as follows:
 1. Appropriateness of the operation of the organization and human resources;
 2. Soundness of financial management;
 3. Results of performances and exhibitions; results of assistance in culture and art programs and activities, and results of the

operation of exhibition facilities;

4. The level of artistic perfection of performed and exhibited works;

5. The level of contribution to the society, including contribution of talent;

6. Other matters that the Mayor deems necessary.

(4) Members of the "Committee for Deliberation on Specialized Art Corporations and Organizations" shall be commissioned by the Mayor for each meeting, from among the following persons, in order to deliberate regarding the designation of specialized art corporations and organizations, and shall be discharged from office automatically upon the closing of the meeting:

1. Not more than two members of standing committees of the Seoul Metropolitan Council;

2. One person recommended by the Superintendent of the Seoul Metropolitan Office of Education;

3. Persons who have profound knowledge of culture and arts, and a good reputation.

(5) Articles 15 through 18 shall apply mutatis mutandis to the operation of the "Committee for Deliberation on Specialized Art Corporations and Organizations."

Article 20 (Revocation of Designation of Specialized Art Corporations and Organizations)

(1) Pursuant to Article 7 (4) of the Culture and Arts Promotion Act and Article 4-3 of the Enforcement Decree of the afore-said Act, the Mayor may revoke the designation of a specialized art corporation or organization, if the corporation or organization falls within any of the following cases: Provided, That the designation shall be revoked in cases falling under subparagraph 1:

1. If a specialized art corporation or organization has obtained designation by fraud or other wrongful means;

2. If the specialized art corporation or organization plans or produce less than one performances or exhibitions annually;

3. If a specialized art corporation or organization fails to assistance in culture and art programs and activities or has not operated a facility for performance or exhibition for at least one year;

4. If a specialized art corporation or organization disturbs the public order in exhibition or performance;

5. If a specialized art corporation or organization has received benefits provided under Article 7 (1) of the Act by submitting a report on the results of art activities by fraud or any other wrongful means.

(2) Further details necessary for the designation of specialized art corporations and organizations and the revocation thereof shall be prescribed by Rule of the Seoul Metropolitan Government.

Article 21 (Support and Fostering of Specialized Art Corporations and Organizations)

The Mayor may subsidize specialized art corporations and organizations for necessary expenses, within the budget.

CHAPTER VI FOSTERING OF LOCAL CULTURAL INSTITUTES

Article 22 (Mayor's Responsibilities)

CHAPTER VI FOSTERING OF LOCAL CULTURAL INSTITUTES(1) The Mayor shall ensure that every autonomous Gu establishes and operates a cultural institute under the Promotion of Local Cultural Institutes Act.

(2) In order to operate local cultural institutes, the Mayor and the heads of autonomous Gus may cooperate mutually or provide mutual assistance in the following matters:

1. Personnel expense of specialized human resources incurred in operating local cultural institutes;

2. Expenses necessary for the operation and activities of local cultural institutes.

Article 23 (Functions and Activities of Local Cultural Institutes)

(1) A local cultural institute shall conduct the following activities for local culture:

1. Development, preservation, and utilization of local culture;

2. Search for and collection, survey, and utilization of, and research on, local culture;

3. Domestic and international exchange of local culture;

4. Programs for developing local culture, including local cultural events;

5. Programs for providing consulting services for the promotion of local culture;

6. Assistance in educational programs for culture and arts under subparagraph 1 of Article 2 of the Culture and Arts Education Support Act;

7. Assistance in cultural activities for multi-cultural families under Article 2 of the Multicultural Families Support Act;

8. Programs entrusted by the State or a local government for the promotion of local culture;

9. Other programs for the development of local culture, including local cultural events.

(2) Activities other than the activities specified in paragraph (1) shall be limited to those specified by municipal ordinance of each autonomous Gu.

CHAPTER VII PROMOTION OF CULTURE AND ARTS FESTIVALS

Article 24 (Fostering of Festivals)

CHAPTER VII PROMOTION OF CULTURE AND ARTS FESTIVALSThe Mayor shall endeavor to pro-actively develop and implement policies for the promotion and development of citizen-participatory, international festivals.

Article 25 (Holding, etc. of Festivals)

- (1) The Mayor hold festivals on a regular or irregular basis, within the budget, so as to improve citizen's leisure and promote the sense of unity of citizens.
- (2) The Mayor shall endeavor to promote festivals representing Seoul.

Article 26 (Subsidization of Private Festivals)

The Mayor may subsidize a private sector host of a festival for expenses incurred in holding the festival, within the budget, so as to promote and develop festivals held by the private sector.

Article 27 (Entrustment, etc. of Administrative Work for Festivals)

The Mayor may entrust administrative work for planning and operating festivals, to a corporation, organization, or individual specialized in programs and activities for culture and arts so as to enhance the specialization, effectiveness, etc. of festivals under Article 25.

Article 28 (Evaluation of Festivals)

- (1) The Mayor shall evaluate policies on festivals, outcomes of festivals, support systems, etc. so as to promote the development of festivals.
- (2) In principle, the evaluation under paragraph (1) shall be external evaluation (excluding the evaluation by the trustee of administrative work for festivals under Article 27) for impartiality, objectivity of evaluation; but internal evaluation may be conducted concurrently, if necessary.
- (3) The Mayor shall formulate quantitative and qualitative evaluation standards for the evaluation under paragraph (1) and may implement a rating system for outcomes of evaluation. <Newly Inserted by Seoul Metropolitan Government Ordinance No. 6230, May 19, 2016>
- (4) The Mayor may reflect outcomes of evaluation in formulating plans for festivals and supporting festivals. <Newly Inserted by Seoul Metropolitan Government Ordinance No. 6230, May 19, 2016>

CHAPTER VIII CREATING OF SPACES FOR CULTURE AND ARTS

Article 29 (Buildings Subject to Recommendation for Creating Spaces for Culture and Arts)

CHAPTER VIII CREATING OF SPACES FOR CULTURE AND ARTS If any of the buildings specified for a purpose of use in attached Table 1 of the Enforcement Decree of the Building Act, falls with under any of the following cases and has 16 or more floors, the Mayor shall recommend to create spaces for culture and arts, such as theaters, galleries, etc. in the building in accordance with Article 5 (2) of the Culture and Arts Promotion Act and Article 3 of the Enforcement Decree of the afore-said Act: Provided, That no limitation on the number of floors shall apply to a building for a facility specified in subparagraph 1 or 4:

1. A multi-family housing building (excluding a housing complex built for less than 1,000 housing units);
2. A business facility;
3. A lodging facility;
4. A sales facility;
5. An entertainment facility.

CHAPTER IX INSTALLATION OF ARTWORKS

Article 30 (Procedure for Installation of Artworks)

- CHAPTER IX INSTALLATION OF ARTWORKS
- (1) The Mayor shall notify a person who intends to erect a building defined by Article 12 (1) of the Enforcement Decree of the Culture and Arts Promotion Act (hereinafter referred to as "building owner") that the person is obliged to install artworks in accordance with Article 9 (1) of the Culture and Arts Promotion Act.
 - (2) The Mayor may recommend a building owner referred to in paragraph (1), to produce and install artworks by way of public invitation so as to improve the quality of artworks. In such cases, if a building owner request the permitting authority having jurisdiction over the building, to publicly invite artworks, the permitting authority may publicly invite and select works on behalf of the building owner.
 - (3) When a building for public facilities is erected or a park is created, the Mayor shall recommend the installation of public art, including artworks; and the Mayor and the head of a City-invested or Cit-funded local public enterprise or corporation shall request the Committee for Examination of Artworks of the Seoul Metropolitan Government (hereinafter referred to as the "Committee for Examination of Artworks") to evaluate and select works offered for public art.
 - (4) A building owner referred to in paragraph (1), shall submit to the Mayor a plan for the installation of artworks in the form prescribed by Rule of the Seoul Metropolitan Government after permission or approval for the building project is granted; the Mayor shall forward the plan to the Committee for Examination of Artworks for examination, so as to ensure fair appraisal and evaluation for the installation of artworks.
 - (5) Notwithstanding paragraph (4), artworks shall be deemed to have passed an examination by the Committee for Examination of Artworks, if the permitting authority has publicly invited and selected artworks on behalf of the building owner under paragraph (2).

(6) The Mayor shall notify the relevant building owner of the results of appraisal and evaluation conducted under paragraph (4), and shall publish the results in the Official Gazette of the Seoul Government.

Article 31 (Inspection of Installation of Artworks)

The Mayor shall conduct an inspection to ensure whether artworks are installed in accordance with the results of appraisal and evaluation under Article 30 (4) before the permitting authority approves the use of the building under Article 22 of the Building Act.

Article 32 (Follow-up Management of Artworks)

(1) If necessary to restore an artwork; or to remove or alter an artwork for restoration under Article 15 of the Enforcement Decree of the Culture and Arts Promotion Act, such restoration, removal, or alteration shall be performed after passing an examination by the Committee for Examination of Artworks.

(2) The Mayor shall inspect artworks installed as at the time the use of a building was approved, at least annually, and shall endeavor to continue follow-up management through on-site inspections or reports by the building owner.

Article 33 (Pricing, etc. of Artworks)

(1) The price of an artwork shall be determined with the amount specified in the contract made between the building owner and the artist or his/her agent on the installation of the artwork.

(2) If a building owner intends to install an artwork donated or an artwork in his/her collection, the price under paragraph (1) shall be determined at the amount appraised by a corporation or a specialized institution that engages in nationwide appraisal service of artworks.

Article 34 (Ratio of Construction Cost Expended for Artworks in Multi-Family Housing Buildings)

An amount referred to in subparagraph 1 of attached Table of the Enforcement Decree of the Culture and Arts Promotion Act shall be an amount equivalent to 1/1,000 of the construction cost.

CHAPTER X COMMITTEE FOR EXAMINATION OF ARTWORKS

Article 35 (Functions)

CHAPTER X COMMITTEE FOR EXAMINATION OF ARTWORKS(1) The Committee for Examination of Artworks under Article 14 (1) of the Enforcement Decree of the Culture and Arts Promotion Act, shall examine the following elements of artworks installed in each building:

1. Artistic value of the artwork (beauty of form, beauty of substance, and originality);
 2. Harmony with the environment of the artwork (affinity with the environment, appropriateness of the location of the artwork);
 3. Public concern for the artwork;
 4. Stability and preservability of the artwork;
 5. Follow-up management of the artwork;
 6. Harmony between the artwork and the building;
 7. Reasonableness of the price of the artwork;
 8. The level of contribution of the artwork to urban scenery and other elements.
- (2) The Committee for Examination of Artworks may decide to install an artwork at a public place or a specific area with consent of the relevant building owner or landowner, considering the artistic value, etc. of the work.

Article 36 (Composition and Term of Office)

- (1) The Committee for Examination of Artworks shall be composed of not more than 80 members.
- (2) Committee members shall be appointed or commissioned by the Mayor from among the following persons:
 1. The Director in charge of affairs related to urban scenery and public designs;
 2. Five members of the Seoul Metropolitan Council;
 3. Three persons recommended by the Chairperson of the Seoul Metropolitan Council;
 4. Other specialists in art, architecture, environment, spatial design, urban planning, etc., representatives of citizens, etc.
- (3) The chairperson of the Committee for Examination of Artworks shall be elected by and from among committee members for each meeting.
- (4) A meeting will be formed with not more than 13 committee members in rotation.
- (5) The term of office of commissioned committee members shall be two years but may be renewed consecutively only once.
- (6) For the purpose of evaluation and selection under Article 30 (3), the Committee for Examination of Artworks may organize and operate a subcommittee for selection of artworks.
- (7) Further details about the organization and operation of the subcommittee for selection of artworks shall be prescribed by Rule of the Seoul Metropolitan Government.

Article 37 (Dismissal of Committee Members)

In any of the following cases, the Mayor may dismiss a committee member from office even during his/her term of office of the

committee member:

1. If the committee member dies during his/her term of office;
2. If the committee member has difficulties in performing his/her tasks due to a disease that requires long-term treatment or other extenuating circumstance;
3. If a committee member disgraces him/herself in connection with examination or is found incompetent for performing his/her duties.

Article 38 (Management of Meetings)

Articles 14 through 18 shall apply mutatis mutandis to the management of the Committee for Examination of Artworks.

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 39 (Delegation of Authority)

CHAPTER XI SUPPLEMENTARY PROVISIONS The Mayor shall delegate his/her authority over the following measures to the head of each Gu: Provided, That the foregoing shall not apply to the buildings that require permission from the Mayor for building works under Article 8 (1) of the Enforcement Decree of the Building Act:

1. Recommending the installation of spaces for culture and arts under Article 29;
2. Giving notice of the installation of artworks under Article 30, recommending the production and installation of artworks through public invitation, and receiving plans for the installation of artworks;
3. Inspecting artworks installed under Article 31;
4. Follow-up management of artworks under Article 32.