SEOUL METROPOLITAN GOVERNMENT FRAMEWORK ORDINANCE ON CULTURAL CITY

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to improve the quality of cultural life of citizens and realize the cultural happiness of individual citizens, by providing for: fundamental matters necessary for the establishment of the Seoul Metropolitan City as a cultural city; matters mandated by the Framework Act on Culture and the Enforcement Decree of the same Act, 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 matters necessary for the enforcement thereof.

Article 2 (Basic Ideology)

The basic ideology of this Ordinance is to foster an environment that enables all citizens of Seoul (hereinafter referred to as "citizens") to enjoy and create culture in their lives, and to incorporate cultural perspectives into policies of the Seoul Metropolitan Government (hereinafter referred to as "Seoul Government").

Article 3 (Definitions)

(1) The terms used in this Ordinance shall be defined as follows:
1. The term "cultural city" means a city in which the cultural rights of citizens are respected as their substantial rights and the citizens can feel happy through culture by creating and enjoying culture for themselves;
2. The term "cultural right" means the right to freely create culture, participate in cultural activities, and enjoy culture without being discriminated against in cultural expressions and activities regardless of gender, religion, race, generation, region, social status, economic status or physical conditions, etc. pursuant to Article 4 of the Framework Act on Culture;
3. The term "cultural impact assessment" means assessing impacts on the quality of life of citizens from a cultural perspective when formulating plans and policies closely related to the social dissemination of cultural values and the quality of life of citizens pursuant to Article 5 of the Framework Act on Culture and Article 2 of the Enforcement Decree of the same Act;
4. The term "local cultural institute" means a legal entity established in an autonomous Gu to implement local cultural projects pursuant to Article 2 of the Promotion of Local Cultural Institutes Act;
5. The term "culture and arts festival" means a cultural and art event held by the Seoul Government, an autonomous Gu, or the private sector, composed of cultural, artistic, or folk programs for unity of the citizens, promotion of tourism, etc.
(2) Other terms used in this Ordinance shall be defined by the provisions of statutes pertaining to the cultural sector.

Article 4 (Relationship with Other Ordinances)

Except as otherwise expressly provided for in other ordinances, this Ordinance shall apply to the implementation of policies for the realization of a cultural city.

Article 5 (Responsibilities of Mayor)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as "Mayor") shall realize cultural values while planning and conducting municipal administration and shall proactively endeavor to ensure the cultural rights of citizens.
(2) The Mayor shall endeavor to enhance citizens' cultural capacity and create citizens' everyday living spaces with culture in mind.
(3) The Mayor shall proactively endeavor to develop the Seoul Metropolitan City's culture in such a way that tradition and modernity can coexist, and to promote regional and international cultural exchanges.

CHAPTER II GUARANTEE OF CULTURAL RIGHTS OF CITIZENS

Article 6 (Protection and Dissemination of Cultural Rights of Citizens)

CHAPTER II GUARANTEE OF CULTURAL RIGHTS OF CITIZENS(1) The Mayor shall endeavor so that all citizens can enjoy culture and arts in their daily lives without being discriminated against based on their class, age, region, gender, race, religion, nationality, etc.

(2) The Mayor shall endeavor to increase the opportunities for citizens to access, participate in, and create culture and arts through the invigoration of living culture, and to help citizens to become active participants in cultural activities.

(3) The Mayor may run various cultural education programs or provide support for related projects, so as to promote the cultural rights of citizens.

Article 7 (Coexistence of Diverse Cultures)

(1) The Mayor shall endeavor to encourage sharing of cultural resources and invigorate cultural communities.

(2) The Mayor shall protect cultural diversity so that culture from all walks of life and the culture of each region can be expressed without constraints.

Article 8 (Fostering, etc. of Culture and Arts)

(1) The Mayor shall endeavor to foster cultural and artistic activities of culturists and artists, and create cultural facilities and other various conditions for supporting such activities.

(2) The Mayor may subsidize necessary expenses to an autonomous Gu or an individual, corporation, or organization that conducts activities for fostering and promoting culture and arts, etc. within the budget.

(3) The Mayor shall prepare measures to encourage the private sector's participation, so as to ensure efficiency in the creation, development, and operation of cultural facilities and cultural programs.

Article 9 (Fostering of Cultural Industry)

To promote the cultural industry that is based on knowledge and creativity, the Mayor shall formulate and implement policies for expanding related facilities and supporting technology, human resources, business start-up and distribution, etc.

Article 10 (Preservation of Historic Cultural Heritage)

The Mayor shall endeavor to preserve and restore cultural heritage that has shaped the history of the Seoul Metropolitan City and to seek harmony between the traditional and modern elements of the City.

Article 11 (Creation of Cultural Urban Environment)

(1) When creating cultural facilities, the Mayor shall endeavor to narrow the cultural gap among regions and strengthen the foundation for regional cultural autonomy.

(2) The Mayor shall pursue urban development and regeneration projects in consideration of cultural elements and prepare measures to protect and foster spontaneously created cultural regions.

Article 12 (Laying of Foundation for Cultural Governance)

The Mayor shall recognize the importance of governance for the cultural development of the Seoul Metropolitan City and shall provide an environment and an institutional foundation for mutual cooperation and governance between the City and its citizens, culturists and artists, and cultural and art organizations, so as to promote the cultural rights of citizens.

CHAPTER III FORMULATION OF POLICIES FOR CULTURAL CITY

Article 13 (Formulation and Implementation of Comprehensive Plan for Cultural Civic City)

CHAPTER III FORMULATION OF POLICIES FOR CULTURAL 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 civic city").

(2) When formulating the comprehensive plan for a cultural civic city, the Mayor shall collect opinions fromcitizens, autonomous Gus, institutions and organizations related to culture, etc. in advance.

(3) The Mayor may recommend the heads of autonomous Gus (hereinafter referred to as "heads of Gus") to reflect the comprehensive plan for a cultural civic city in their various project plans and may provide support for related projects.

Article 14 (Evaluation of Policies and Collection of Opinions)

(1) The Mayor shall endeavor to prepare a system that enables citizens to participate in the evaluation of cultural policies and events, and to reflect citizens' opinions on the evaluation proactively.

(2) For the evaluation under paragraph (1), the Mayor may hold a cultural roundtable meeting, forum, etc. in which citizens from all walks of life, culturists and artists, and cultural and art organizations participate.

CHAPTER IV COMMITTEE ON CULTURAL CIVIC CITY POLICY OF SEOUL

Article 15 (Establishment and Functions of Committee on Cultural Civic City Policy of Seoul Government)

CHAPTER IV COMMITTEE ON CULTURAL CIVIC CITY POLICY OF SEOUL GOVERNMENT(1) The Mayor may establish a committee on the cultural civic city policy of the Seoul Metropolitan Government (hereinafter referred to as "Committee"), so as to build a cooperative system with the private sector and thus realize a cultural city, promote culture and arts, preserve and manage historic cultural heritage, etc.

(2) The Committee shall deliberate and render advice on the following matters:

1. Matters concerning the formulation, etc. of plans for the Seoul Government's major policies on the realization of a cultural city, the promotion of culture and arts, and the preservation and management of historic cultural heritage;
2. Matters concerning the formulation of a comprehensive plan for a cultural civic city and the examination and evaluation of the status of implementation of the plan;
3. Matters concerning the basic direction and methods of cultural impact assessment, the selection of those subject to such assessment, etc.;
4. Examination of projects proposed by citizens;
5. Matters concerning the holding of a cultural roundtable meeting, forum, etc.;
6. Other necessary matters for the realization of a cultural city, the promotion of culture and arts, and the preservation and management of historic cultural heritage.

(3) The Committee may submit to the Mayor proposals for the Seoul Government's projects on the realization of a cultural city, the promotion of culture and arts, the preservation and management of historic cultural heritage, etc.

Article 16 (Composition of Committee)

(1) The Committee shall be composed of not more than 35 members including one chairperson.

(2) The chairperson shall be elected from among the members of the Committee.

(3) The Chief Officer of the Culture Headquarters shall be an ex officio member of the Committee, and the other members shall be commissioned by the Mayor from among the following persons related to culture: Provided, That members of either sex shall not exceed 6/10 of the total number of the commissioned members:

1. Persons who have extensive knowledge and experience in the fields of culture, arts, history, urban planning, law, etc.;
2. Members of a standing committee under the jurisdiction of the Seoul Metropolitan Council;
3. Other persons the Mayor acknowledges to have expertise in the field of culture.

(4) The term of office of members who are not public officials shall be two years, but such members may be consecutively recommissioned only once.

(5) The Committee shall have one executive secretary and one clerk as necessary; the director of the division in charge of the Committee shall serve as the executive secretary while the deputy director of the team in charge shall serve as the clerk.

Article 17 (Duties of Chairperson)

(1) The chairperson shall represent the Committee and exercise overall control over the affairs of the Committee.

(2) Where the chairperson is unable to perform his/her duties due to any unavoidable reason, a member designated by the chairperson in advance shall act for the chairperson, and, where such designation has not been made in advance, members in the order of seniority shall act for the chairperson.

Article 18 (Dismissal of Members)

Where a commissioned member of the Committee falls under any of the following, the Mayor may dismiss the member even before the expiration of the term of office of the member:

1. Where the member himself/herself wishes to be discharged from office;
2. Where the member is unable to perform his/her duties due to disease requiring a long-term treatment or other reasons;
3. Where the member is deemed unsuitable to perform his/her duties as a member due to injury to dignity, long-term absence or other grounds.

Article 19 (Exclusion, Challenge, and Abstention of Members)

(1) Where a member of the Committee is deemed to have a direct interest in the relevant agenda, he/she shall not participate in deliberation on the agenda.

(2) Any member falling under paragraph (1) may be excluded from deliberation or rendering of advice by resolution of the Committee.

Article 20 (Meetings of Committee)

(1) Meetings of the Committee shall be convened by the Mayor or the chairperson where deliberation or rendering of advice is necessary in respect of the matters specified in Article 15 (2).

(2) Where the Mayor or the chairperson intends to convene a meeting, he/she shall give a written notice of the date and time,

venue, agenda, etc. of the meeting to the members of the Committee by no later than seven days before the meeting is held: Provided, That the same shall not apply where an emergency occurs or unavoidable circumstances exist.
(3) A majority of the members of the Committee shall constitute a quorum and any decision thereof shall require the concurring vote of a majority of those present.
(4) Meetings of the Committee (including subcommittees under Article 21; hereafter in this Article, the same shall apply) shall be open to the public: Provided, That said meetings may not be open to the public if deemed necessary by resolution of the Committee.
(5) The Committee shall prepare minutes stating the date, time, and venue of a meeting, members present, matters on which the Committee deliberated and rendered advice, and the resolutions passed.
(6) For cooperation with other committees, the Committee may allow persons in charge of the Committee at related divisions and affiliated institutions to attend its meetings.

Article 21 (Subcommittees)

(1) To perform the affairs of the Committee efficiently, the Committee may have subcommittees, which consist of the subcommittee for individuals, the subcommittee for communities, the subcommittee for regions, the urban subcommittee, and the governance subcommittee.
(2) Each subcommittee shall be composed of not more than seven members from among the members of the Committee.
(3) The chairperson of each subcommittee shall be elected from among the members of the relevant subcommittee and shall represent the subcommittee and preside over meetings of the subcommittee.
(4) Article 17 (2) shall apply mutatis mutandis to matters concerning acting for the chairperson of a subcommittee.
(5) For its efficient operation, the Committee shall have a planning committee composed of the chairperson of the Committee and the chairpersons of subcommittees.

Article 22 (Request to Related Institutions, etc. for Cooperation)

The Committee may hear opinions of related persons or request related institutions, organizations, etc. to submit data or cooperate therewith when deemed necessary.

Article 23 (Allowance and Travel Expense)

The Mayor may pay allowances and travel expenses to members of the Committee who are not public officials within the budget.

Article 24 (Detailed Rules of Operation)

Matters that are not prescribed by this Ordinance in respect of the operation of the Committee shall be determined by the chairperson after resolution by the Committee.

CHAPTER V CULTURAL IMPACT ASSESSMENT

Article 25 (Implementation of Cultural Impact Assessment)

CHAPTER V CULTURAL IMPACT ASSESSMENTThe Mayor may conduct a cultural impact assessment pursuant to Article 5 (4) of the Framework Act on Culture and Article 2 (1) of the Enforcement Decree of the same Act, so as to preserve and disseminate citizens' cultural rights and cultural diversity.

Article 26 (Formulation of Plan for Cultural Impact Assessment)

For predictable and effective cultural impact assessment, the Mayor may formulate an assessment plan which includes the criteria for selecting plans and policies subject to the assessment, assessment methods, etc.

Article 27 (Projects Subject to Cultural Impact Assessment)

Projects subject to cultural impact assessment shall be selected from among the following after deliberation by the Committee pursuant to Article 15:
1. Legally mandated plans formulated in accordance with statutes and ordinances;
2. Projects subject to investment examination;
3. Other projects the Mayor deems necessary.

Article 28 (Methods of Cultural Impact Assessment)

The Mayor shall endeavor to develop methods and indexes applicable to cultural impact assessment and disseminate such methods and indexes.

Article 29 (Entrustment, etc. of Cultural Impact Assessment)

When necessary for conducting a cultural impact assessment efficiently, the Mayor may entrust affairs concerning the assessment to a corporation or organization with expertise in cultural impact assessment or cultural policy research, or may authorize such corporation or organization to act as an agent for performing the affairs.

Article 30 (Feedback on Cultural Impact Assessment Results)

Divisions that implement projects subject to cultural impact assessment shall prepare and submit their review opinions and action plans on the assessment results to the Committee.

Article 31 (Financial Support)

The Mayor may subsidize expenses for consultation, educational support, etc. within the budget, so as to invigorate cultural impact assessment.

CHAPTER VI DESIGNATION AND CULTIVATION OF CORPORATIONS AND ORGANIZATIONS SPECIALIZED IN ARTS

Article 32 (Designation of Corporations and Organizations Specialized in Arts)

CHAPTER VI DESIGNATION AND CULTIVATION OF CORPORATIONS AND ORGANIZATIONS SPECIALIZED IN ARTS(1) A person who intends to be designated as a corporation or organization specialized in arts, from among nonprofit corporations or organizations under Article 7 (2) of the Culture and Arts Promotion Act, shall file an application for designation (modification) with the Mayor pursuant to Article 4 (1) of the Enforcement Decree of the same Act. The same shall apply where the person intends to modify details of the designation pursuant to Article 4-2 of the Enforcement Decree of the same Act.

(2) Those subject to designation of a corporation or organization specialized in arts shall satisfy the following requirements:

1. A nonprofit corporation or organization in operation, domiciled in the Seoul Metropolitan City and registered as a business;
2. A corporation or organization, one of whose proper purposes of business is to run an art company, performance hall, art gallery, or exhibition hall and which maintains a self-supporting organization and an independent accounting system.

(3) Upon receipt of an application for designation pursuant to paragraph (1), the Mayor shall determine whether to designate the applicant after deliberation by the deliberative committee on corporations and organizations specialized in arts pursuant to Article 4 (4) of the Enforcement Decree of the Culture and Arts Promotion Act, and matters subject to deliberation shall be as follows:

1. Propriety of operation of organization and human resources;
2. Soundness of financial management;
3. Record of public performance or exhibition, record of supporting cultural and art projects and activities, or record of operating facilities for public performance or exhibition;
4. Artistic completeness of performed or exhibited artworks;
5. Level of contribution to society;
6. Other matters the Mayor deems necessary.

(4) Members of the deliberative committee on corporations and organizations specialized in arts shall be commissioned by the Mayor for each meeting from among the following persons, so as to deliberate on the designation of corporations and organizations specialized in arts, and shall be discharged from office automatically upon the closing of the meeting:

1. Not more than two members of standing committees under the jurisdiction of the Seoul Metropolitan Council;
2. One person recommended by the Superintendent of Education of the Seoul Metropolitan City;
3. Persons who have a profound knowledge of culture and arts, and a good reputation.

(5) Articles 19, 20, and 22 through 24 shall apply mutatis mutandis to the operation of the deliberative committee on corporations and organizations specialized in arts.

Article 33 (Revocation of Designation of Corporations and Organizations Specialized in Arts)

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

1. Where the corporation or organization has obtained designation by fraud or other improper means;
2. Where the record of staging performance or exhibition planned or produced public is less than once a year;
3. Where the corporation or organization fails to support cultural and art projects and activities, or operate facilities for public performance or exhibition for at least one year;
4. Where the corporation or organization causes disorder in exhibition or public performance;
5. Where the corporation or organization has received support pursuant to Article 7 (1) of the Culture and Arts Promotion Act by submitting the record of artistic activities by fraud or other improper means.

(2) Further details necessary for the designation of corporations and organizations specialized in arts and the revocation thereof shall be prescribed by rule.

Article 34 (Support for and Cultivation of Corporations and Organizations Specialized in Arts)

The Mayor may subsidize necessary expenses to designated corporations and organizations specialized in arts within the budget.

CHAPTER VII FOSTERING OF LOCAL CULTURAL INSTITUTES

Article 35 (Support for Local Cultural Institutes)

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

(2) For the operation of local cultural institutes, the Mayor may cooperate in the following matters or subsidize them within the budget:

1. Personnel expenses for specialized human resources necessary for the operation of local cultural institutes;
2. Expenses necessary for the operation and activities of local cultural institutes.

Article 36 (Functions and Projects of Local Cultural Institutes)

(1) A local cultural institute shall conduct the following local cultural projects:

1. Development, conservation, and utilization of local culture;
2. Searching for, collecting, examining, making research on, and utilizing local culture;
3. Domestic and international exchanges of local culture;
4. Projects to promote local culture, such as holding local cultural events, etc.;
5. Projects to support consulting services for the revitalization of local culture;
6. Supporting projects for culture and arts education under subparagraph 1 of Article 2 of the Culture and Arts Education Support Act;
7. Supporting the cultural activities of multicultural families under Article 2 of the Multicultural Families Support Act;
8. Projects entrusted by the State or local governments for the revitalization of local culture;
9. Other projects for the development of local culture, such as holding local cultural events, etc.

(2) Projects other than those specified in paragraph (1) shall be limited to projects prescribed by ordinance of the relevant autonomous Gu.

CHAPTER VIII FOSTERING OF CULTURE AND ARTS FESTIVALS

Article 37 (Fostering of Culture and Arts Festivals)

CHAPTER VIII FOSTERING OF CULTURE AND ARTS FESTIVALSThe Mayor shall endeavor to proactively develop and implement policies for fostering and developing citizen-participatory, international culture, and arts festivals.

Article 38 (Holding, etc. of Culture and Arts Festivals)

(1) The Mayor may hold culture and arts festivals on a regular basis or at varying intervals within the budget, so as to enhance citizens' leisure and create a sense of unity among citizens.

(2) The Mayor shall endeavor to foster culture and arts festivals that can represent the Seoul Metropolitan City.

Article 39 (Support for Private Culture and Arts Festivals)

The Mayor may subsidize expenses incurred in hosting a culture and arts festival to a private sector host of the relevant culture and arts festival within the budget, so as to foster and develop culture and arts festivals held by the private sector.

Article 40 (Entrustment, etc. of Affairs of Culture and Arts Festivals)

To enhance the professionalism, efficiency, etc. of culture and arts festivals, the Mayor may entrust affairs concerning the planning, operation, etc. of culture and arts festivals to a corporation, organization, or individual specialized in cultural and art projects and activities, or may authorize such corporation, organization, or individual to act as an agent for performing the affairs.

Article 41 (Evaluation of Culture and Arts Festivals)

(1) The Mayor shall evaluate policies on and outcomes of culture and arts festivals, systems for supporting culture and arts festivals, etc., so as to promote the development of culture and arts festivals.

(2) In principle, the evaluation under paragraph (1) shall be external evaluation (excluding the evaluation conducted by the trustee of or the agent for affairs of culture and arts festivals under Article 40) to ensure the fairness, objectivity, etc. of evaluation, but internal evaluation (self-evaluation) may be conducted concurrently when necessary.

(3) The Mayor shall prepare quantitative and qualitative evaluation standards for the evaluation under paragraph (1) and may implement a rating system according to evaluation results.

(4) The Mayor may reflect evaluation results in formulating plans for culture and arts festivals and supporting such festivals.

CHAPTER IX ESTABLISHMENT AND OPERATION OF SPACES FOR CULTURE AND ARTS AND CULTURAL FACILITIES

Article 42 (Buildings Subject to Encouraging Establishment of Space for Culture and Arts)

CHAPTER IX ESTABLISHMENT AND OPERATION OF SPACES FOR CULTURE AND ARTS AND CULTURAL FACILITIESBuildings subject to encouraging the establishment of space for culture and arts, such as a performance or exhibition hall, pursuant to Article 5 (2) of the Culture and Arts Promotion Act and Article 3 of the Enforcement Decree of the same Act shall fall under any of the following, from among buildings classified by their purpose in attached Table 1 of the Enforcement Decree of the Building Act, and shall have at least 16 floors: Provided, That no limitation on the number of floors shall apply to buildings falling under facilities specified in subparagraph 1 or 4:

1. Collective housing (excluding a housing complex built for less than 1,000 housing units);
2. Business facilities;
3. Lodging facilities;
4. Sales facilities;
5. Amusement facilities.

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 43 (Balanced Establishment of Cultural Facilities for Each Region)

CHAPTER X SUPPLEMENTARY PROVISIONSThe Mayor shall endeavor to create and expand cultural facilities, so as to promote cultural and art activities and increase the opportunities for citizens to enjoy culture. In such cases, a regional balance in the establishment of cultural facilities in each autonomous Gu shall be taken into consideration.

[This Article Newly Inserted by Ordinance No. 6891, Jul. 19, 2018]

Article 44 (Promotion of Private Investment in Cultural Facilities)

The Mayor may encourage private investment in cultural facilities and formulate and implement plans to do so.

[This Article Newly Inserted by Ordinance No. 6891, Jul. 19, 2018]

Article 45 (Rate of Rent for Cultural Facilities)

The rate of rent for cultural facilities shall comply with the Seoul Metropolitan Government Ordinance on Public Property and Commodity Management: Provided, That, notwithstanding the former part, where a profit-making corporation or individual who has donated a cultural facility gratuitously operates the relevant cultural facility, the rate of rent for the cultural facility may be at least 10/1000 of the appraised value of the cultural facility.

[This Article Newly Inserted by Ordinance No. 6891, Jul. 19, 2018]

Article 46 (Delegation of Authority)

The Mayor shall delegate his/her authority to encourage the establishment of a space for culture and arts under Article 42, to the heads of Gus: Provided, That the same shall not apply to buildings the construction of which shall be permitted by the Mayor pursuant to Article 8 (1) of the Enforcement Decree of the Building Act.