

ORDINANCE NO.: 2012-057

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 11, Licenses, Permits, Business Regulations to add Article XII, Buskers*

WHEREAS, the City Council finds that the existence in the City of buskers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. This section seeks to balance the interests of the buskers with those of the residents and businesses of the City; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and Council this 10th day of July, 2012, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 11, Licenses, Permits, Business Regulations is amended to add Article XII, Buskers to read as follows:

Sec. 11-701. Definitions.

"*Busker*" is a person who performs in public areas; accepts donations from the public; and, has obtained a permit pursuant to this ordinance.

"*Dangerous materials or objects*" includes, but is not limited to, pyrotechnics, fireworks, knives, animals, fire, projectiles or any other prop, device or material which could cause harm to or endanger the public, the busker or property.

"*Perform*" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance, but buskers may offer items in exchange for a donation.

"*Public areas*" means public sidewalks and parks.

Sec. 11-702. Prohibition.

It shall be unlawful for any person to give any kind of performance or entertainment without first obtaining a permit from the City of Columbia Business License Division.

Sec. 11-703. Permit.

(a) A permit shall be issued by the City of Columbia Business License Division upon application to the City of Columbia Business License Division. The permit is \$15.00 and is valid for one year from date of issuance. A day permit is \$2.50 per day and limited to three consecutive days. Permits must be displayed at all times during performances. If a busker loses their permit, one replacement permit per calendar year may be obtained for a \$5.00 fee.

No license shall be issued to any person who had had a permit suspended or revoked within the last twelve months prior to the current application for a permit.

(b) A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number and shall be signed by the applicant.

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(c) A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid. Each member of a group of buskers who play together shall be required to obtain an individual permit.

(d) Each busker is required to display the permit at all times during performances.

Sec. 11-704. Permitted Performances.

(a) Performances may take place at the following locations:

(1) In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital or funeral home at any time, and except in public areas excluded by the City Manager.

Performances in public areas shall not include, involve or utilize dangerous materials or objects.

Buskers shall not block roadways, fire apparatus access roads, sidewalks, crosswalks, driveways, stairways, curb cuts, handicapped access ramps nor block access to buildings, parks, public, conveyances, businesses, crosswalks, traffic control poles containing pedestrian crosswalk button (s), or be within twenty feet of a fire hydrant, fire department connection (FDC) or within five feet of any fire alarm or other emergency communication device, either by the buskers location, or by the location of any crowd that the busker may draw.

(2) In public areas where a street event or festival authorized by the City is being conducted, with the written permission of the sponsor of event. Performances in public areas where a street event or festival authorized by the City is being conducted may include, involve or utilize dangerous materials or objects, with the written permission of the sponsor of the street event or festival. Buskers who include involve or utilize dangerous materials or objects in their performance at a street event or festival authorized by the City must obtain any required approvals or permits from the appropriate governmental agency or official. Buskers that include, involve or utilize dangerous materials or objects in their performance must take appropriate and adequate safety precautions to prevent personal injury to the public and to prevent property damage. The sponsor of the street event or festival shall be liable for any personal injury or property damage caused by a performance including, involving or utilizing dangerous materials or objects. A permit is not required when a busker is performing in a public area where a street event authorized by the City is being conducted. Police and fire marshal personnel shall be on site all events of street performances involving or utilizing dangerous materials or objects. Busker or group of buskers performing under this section shall not be deemed to be in violation of City of Columbia Code section 8-131 (Open burning); City of Columbia Code section 15-1 (7) and (9) (Prohibited Acts in Parks).

(b) Buskers shall not perform before the hour of 9:00 a.m. and after the hour of 10:00 p.m. Buskers may perform low amplified, acoustic, low noise or no noise activities between the hours of 10:00 p.m. and 12:00 a.m. During these hours buskers shall not perform 100 feet from a residential unit, a hotel or motel unless permitted by the property owner or other person in control of such property.

(c) The conduct and behavior of all buskers shall otherwise comply in all respects with existing noise ordinances at all times.

(d) Buskers shall not obstruct or cause to be obstructed pedestrian or vehicular traffic, including but not limited to not obstructing or causing to be obstructed sidewalks, doorways or other access areas. If a sidewalk entertainer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction.

(e) Buskers shall provide the minimum pedestrian passageway on the sidewalk as required by the Americans with Disabilities Act, which is currently five feet.

(f) Buskers or a group of buskers shall not perform closer than 50 feet from a sidewalk entertainer located within an approved encroachment area, another busker or group of buskers or an approved sidewalk vendor unless the sidewalk vendor gives approval.

(g) Buskers or group of buskers shall perform in a manner so as to not to interfere with a community event, street events or festival (event resolutions and street closings) approved by the City of Columbia or the holder of a parade permit.

(h) Buskers shall remove all props and other items from the public area used for a performance during breaks and immediately after the performance ends. Trash and other debris shall be removed from the public area used for a performance immediately after the performance ends.

(i) A busker may orally request donations of money or property at a performance, provided that no sign requesting donations shall exceed twelve inches by eighteen inches. Buskers shall not place signs within the right of way. Signs may not contain advertising. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat.

(j) Buskers shall not use pyrotechnics, fireworks, knives, animals, fire, projectiles or any other prop, device or material which could cause harm to or endanger the public, the busker or property unless permitted herein.

(k) Buskers shall not consume nor be under the influence of alcoholic beverages or other controlled or intoxicating substances while performing.

(l) A busker or group of buskers complying with the requirements of this section shall not be deemed to be in violation of City of Columbia Code sections 22-71 through 22-74 (Obstructions of Streets, Sidewalks, and Other Places); City of Columbia Code section 14-3 (Begging); City of Columbia Code section 14-97 (Loitering) and City of Columbia Code section 22-162(Parades) but shall otherwise comply with the said ordinances.

(m) Buskers shall not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in City of Columbia Code sections 8-61 through 8-93.

(n) Buskers shall not use a megaphone during a performance unless the performance is in conjunction with a street event or festival authorized by the City and with the written permission of the sponsor of the street event or festival. Devices such as amplifiers for musical instruments shall be permitted provided their use is in compliance with City of Columbia Code sections 8-61 through 8-93.

Sec. 11-705. Exclusion of Public Areas.

(a) A specific public area may be permanently excluded from performances in accordance with constitutional standards by decision of the City Council after a public hearing notice of which shall be advertised no less than fourteen days prior to said hearing.

(b) During periods of construction on the streets, sidewalks and infrastructure, the City Manager may from time to time temporarily exclude performances from areas where there are issues of serious public safety and the City Manager or his designee may, in their discretion, issue notices of exclusion from areas as the construction requires.

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Sec. 11-706. Penalties.

(a) A permit may be suspended or revoked if a performer is found to have knowingly provided false information on the application or has violated the rules and regulations or any Federal, State or local law or ordinance rationally related to this permit. Before suspension or revocation the City Manager must hold a public hearing, after ten days written notice to the busker setting forth the facts constituting the basis for the proposed suspension or revocation.

Sec. 11-707. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall remain in full force and effect.

Requested by:

Arts and Historic Preservation Committee

Approved by:



City Manager

Approved as to form:



City Attorney



MAYOR

ATTEST:



City Clerk

Public Hearing: 6/26/2012
Introduced: 6/26/2012
Final Reading: 7/10/2012