

ORDINANCE NO: 14-13

AN ORDINANCE OF THE MAYOR
AND COUNCIL AMENDING
DIVISION 3 TO ARTICLE IV OF
CHAPTER 70 OF THE ANDERSON
CITY CODE PROVIDING FOR
SIDEWALK ENTERTAINMENT
AND REGULATIONS GOVERNING
SIDEWALK ENTERTAINMENT.

WHEREAS, Division 3 of Article IV of Chapter 70 of the Anderson City Code provides for regulations governing sidewalk entertainment, and

WHEREAS, it is the desire of City Council to amend this division to more clearly define the regulations and to provide for an annual permit instead of a business license for this activity.

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Anderson that Division 3 of Article IV of Chapter 70 of the Anderson City Code is amended and after amended shall read as follows:

Division 3.
Sidewalk entertainment

Sec. 70-171. Definitions.

(The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:)

Central business district means the general use zoning district defined by that name in section 7.4 of the Anderson City Code and outlined on the official zoning map of the city.

Sidewalk means all that area legally open to public use as a pedestrian public way between the curb line and the public right-of-way boundary along the abutting property.

Street performance/entertainment includes: acting, singing, playing one or more musical instruments, dancing, miming, juggling, unicycling, stilt walking, magic performances, reciting, storytelling and engaging in similar acts of entertainment on a city owned or controlled sidewalk, plaza, park or public space – other than vehicular streets and motor vehicle parking lots. Specifically excluded are speeches, lectures, picketing, and sermons.

Street performer or Busker means someone who engages in street performances for entertainment.

Sec. 70-172. Permit required for sidewalk entertainment.

It shall be unlawful for any person to give any kind of a performance on the streets or public spaces in the city without a permit.

Sec. 70-173. Exceptions.

Permits issued for sidewalk entertainment under the provisions of this article shall be temporarily suspended at locations designated for the community events and festivals which occur on a periodic basis and which are specifically approved by the city. Permit holders may, however, apply to continue their operation during the community event or festival pursuant to the procedures set up by the community event or festival permit holder. Community events and festivals will be posted on the city's website.

Street performances/entertainment are limited to the Central Business District.

Street performances are not permitted within 50 feet of the structure which is a school, hospital, funeral home, courthouse or cemetery. No performance shall occur within an encroachment area for dining on a public sidewalk.

Performers using knives or flames must obtain written authorization from the Fire Marshal and/or Police Department setting forth conditions of authorization.

Performers with chalk drawings on sidewalk must obtain written authorization from the Economic Development Division regarding setting and conditions.

Sec. 70-174. Performers of sidewalk entertainment.

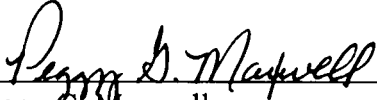
Performers of sidewalk entertainment shall meet the following requirements:

- (1) Not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in section 42 – 86 (et.seq.) of the Anderson City Code.
- (2) No megaphone will be allowed unless performance is in conjunction with city approved festival or event. Performances with sound amplification are excluded unless proper for the musical or other sound component of performance. Necessary or proper amplification includes, but is not limited to, background accompaniment or amplification for flute, piccolo, classical guitar or other low-volume instruments.
- (3) Not violate the prohibitions on solicitation as set forth in section 62 – 128.
- (4) Based on the character of the permitted performances, the City may determine that liability insurance is necessary. Such policies will be determined on a case by case basis, and shall name the City as additional insured.
- (5) 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. Entertainer must provide a minimum of 6 feet of pedestrian passageway.
- (6) Obtain consent to perform from the owner/manager of the business(s) in front of which the performance is planned.
- (7) The sale of goods is prohibited. A street performer must obtain a business license to sell or offer for sale merchandise. The city business license is in addition to the street entertainment permit, and acquired from the city Business License Department.
- (8) Perform only at times between the hours of 10 AM and until 10 PM.
- (9) Not consume or be under the influence of alcoholic beverages or other controlled substances while performing, in compliance with the South Carolina laws and regulations.
- (10) Not perform any closer than 50 feet from another performer.

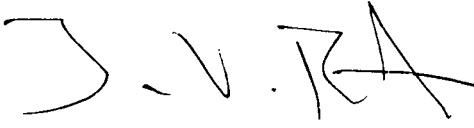
- (11) Not perform at locations designated for a community event or festival, unless permitted to play at the community event or festival by the event or festival coordinator.
- (12) Comply with all federal, state and local laws when performing within the city, including, but not limited to, the solicitation ordinance and the noise ordinance.
- (13) An annual permit must be acquired from the Economic Development Division between January 1 and January 15. The permit fee is set by the office of City Manager.
- (14) Permit must include a current photograph (passport size) to be submitted with application, application fee, and current South Carolina ten-year background check.
- (15) Permits must be prominently displayed on their persons during the time of performance. Permits are not transferable, and issued to individuals only. Permits for groups will be handled separately on a case-by-case basis.
- (16) With current and approved permit, performer may accept gratuities. No performer may solicit payments before, during, or after a performance. However, performer may place a money receptacle of reasonable size at the performance site. It may remain open before, after, and during the performance. A sign no larger than 12 x 18 inches may be used to invite gratuities. The receptacle for gratuities may not block pedestrian traffic.

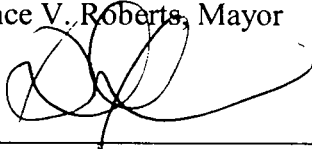
ADOPTED THIS 8th DAY OF September, 2014.

ATTESTED TO:




Peggy G. Maxwell
City Clerk/Treasurer



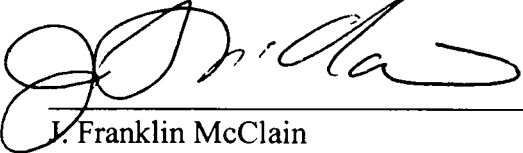
Terence V. Roberts, Mayor


Donald G. Chapman



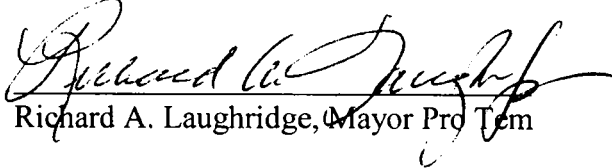
Matthew C. Harbin

APPROVED AS TO FORM:

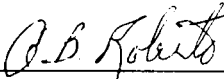


J. Franklin McClain
City Attorney

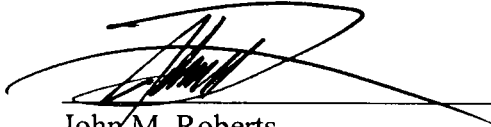
Steven C. Kirven



Richard A. Laughridge, Mayor Pro Tem



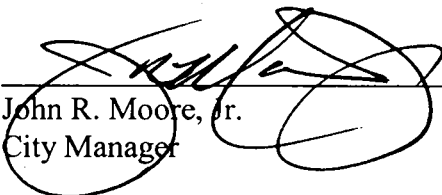
A. B. Roberts



John M. Roberts

James A. Stewart

REVIEWED BY:



John R. Moore, Jr.
City Manager



Beatrice R. Thompson

COUNCIL MEMBERS