



# Austin Music Commission

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City Hall, 301 W. 2<sup>nd</sup> St., Austin, TX 78701  
<http://www.austintexas.gov/musiccomm>

February 11<sup>th</sup> 2014

Mayor and City Council  
City of Austin  
301 W. 2<sup>nd</sup> St.  
Austin, TX 78701

Dear Mayor Leffingwell, Mayor Pro Tem Cole and Council Members:

On February 3, 2014, at our regularly scheduled meeting, we took up the discussion of busking and how it is impacted by existing city ordinances. The vote was 6-0 to recommend that Council seek further clarification and recommendations on the subject. It appears that there are several general sections of the city code (attached) that would prohibit busking in the public domain. There are the general and specific restrictions in Chapter 9 that include restrictions on music and solicitation (including our sit/lie ordinance), as well as sections dealing with interactions with motorists and selling goods on the street.

From what we can ascertain, most of these ordinances were created to combat nuisance and panhandling rather than addressing some perceived problem relating to busking. At its most basic issue, what it feels like to the Music Commission is that the city has created a system where panhandling and solicitation should be outlawed (an issue that is outside this commission's purview and one on which we do not wish to comment) and busking has been caught up in its wake.

Busking is very important to any music ecosystem, as it allows for a small revenue stream to up-and-coming artists, as well as the opportunity to perform and hone one's craft. It can also improve the atmosphere of 6th St significantly. This issue has been sitting in a grey area in terms of regulation for quite some time, and we would like to get clarity on what exactly is allowed vs. not in terms of the many pieces of City Code that touch upon this issue.

Further, in our explorations into this matter, we have seen federal court cases in places like Seattle, Sparks, Nevada and Venice, CA that have encountered this issue recently. So, in addition to clarification on what exactly Austin's rules are for busking, we would like to know if/how our rules comport with recent decisions by the United States Court of Appeals for the Ninth Circuit and other district courts around the country with respect to free speech.

Therefore, we are recommending that City Council direct the City Manager to provide clarification on the above as well as any proposed solutions at our next Music Commission meeting on April 7th 2014. In addition, we would like to request that the Downtown and Art commissions receive a presentation of the same clarifications during their regular scheduled meetings in April, 2014.

These clarifications and proposed solutions should be provided to Commission members in advance of the meeting. In the event that Commission members agree or would like to advocate

for these solutions, we would need ample time to prepare a recommendation that can be voted on and then forwarded to City Council.

Respectfully,

Brad Spies, Chair  
Joseph Stallone, Vice Chair  
Austin Music Commission

\*attachment

Cc: City Manager Marc Ott, ACM McDonald, ACM Edwards, EDD Director Kevin Johns, EDD Deputy Director Rodney Gonzales, Manager of Music & Entertainment Don Pitts