

EXISTING REGULATIONS THAT MAY APPLY TO THE ACT OF “BUSKING”

Busking = to play music or otherwise perform for voluntary donations in a public place

City Code	Description of Code Section
§9-2-3: General Restrictions	Prohibits making noise or playing a musical instrument audible to an adjacent business or residence between 10:30 pm and 7:00 am.
§9-2-37: 24-Hour Live Music Permit	Authorizes accountable official to issue a 24-hour permit authoring the use of sound equipment for outdoor music, subject to other Code requirements
§9-4-13: Solicitation Prohibited	<p>Prohibits solicitation</p> <ul style="list-style-type: none">• Aggressive (specific definition in Code)• Occurs<ul style="list-style-type: none">○ in a bus, at a bus station/stop;○ within 25 feet of an ATM, entrance/exit of a bank/check cashing business;○ at a marked crosswalk;○ either side of the street on a block where a school attended by minors or a child-care facility has an entrance/exit;○ at an authorized sidewalk café;○ area covered by “Sit/Lie” ordinance from 7:00 pm to 7:00 am• Defines “solicit” – request by spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person regardless of the solicitor’s purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.
§9-4-14: Sitting or lying down on public sidewalks or sleeping outdoors in the downtown Austin Community Court Area prohibited.	<p>Prohibits sleeping outdoors or sitting/lying down in the ROW between the roadway and the abutting property line or structure (or object placed in that area)</p> <ul style="list-style-type: none">• Applies only after a warning that the conduct violates the Code• Exceptions:<ul style="list-style-type: none">○ Sit/lie because of a medical emergency○ Operates or patronizes a commercial establishment that conducts business on the sidewalk under Title 14○ Participates in or views a parade, festival, performance, rally demonstration, or similar event○ Sits on a chair or bench that is supplied by the gov’t or abutting private property owner○ Is waiting in line for goods, services, or a public event• Affirmative defense: sit/lie down as the result of a physical manifestation of a disability.

<p>§12-1-27: Solicitations between an occupant of a motor vehicle and a pedestrian</p>	<p>Prohibits solicitation/attempted solicitation between a pedestrian and occupant of motor vehicle (and vice versa)</p> <ul style="list-style-type: none"> • Applies to 3 geographic areas • Pedestrian is in or next to street, on a sidewalk, or in a private parking area
<p>§14-9-11: Restrictions on Street Sales</p>	<p>Prohibits sales/exchange/orders for merchandise in specified area without a license from CoA</p> <ul style="list-style-type: none"> • Applies to 3 geographic areas • Does not include food vendors; • Does not apply to sale/display of newspapers, pamphlet, periodical on sidewalk if dispenser is three feet away from curb line
<p>§14-9-12: Obstruction for Sale of Merchandise Prohibited §14-9-13: Exceptions</p>	<p>Applies to street, highway, bridge, alley, sidewalk, or ROW</p> <ul style="list-style-type: none"> • Prohibits placing, parking, maintaining structures • Prohibits sales/exchanges/orders for merchandise <p>Prohibits parking a motor vehicle on a street to use as a structure or display to sell merchandise to a pedestrian or occupant of another vehicle</p> <p>Exceptions</p> <ul style="list-style-type: none"> • Sale/display of newspapers, etc that comply with §14-9-11 • Public market est'd in Chapter 14-2 • Use of street/alley/sidewalk in connection with residence-to-residence or business-to-business sales or solicitations; • Fresh cut flowers • Authorized sidewalk cafes <p>APD may impound structure/display used for the sale of merchandise placed/parked/maintained on a street, highway, bridge, alley, sidewalk, or ROW</p>