



RECOMMENDATION

AUSTIN MUSIC COMMISSION

Recommendation Number: 20140804-004 – Street Performers & the Art of Busking

WHEREAS, the City of Austin supports and seeks to protect the activities and livelihood of Street Performers engaging in Street Performances.

WHEREAS, the City of Austin recognizes the cultural importance of Street Performers and Buskers, and seeks to cultivate and protect their artistic contribution to Austin community.

WHEREAS, the prohibition of panhandling and solicitation has been a priority, and any proposed ordinance must balance those needs with allowing Street Performances.

NOW, THEREFORE, BE IT RESOLVED that the Austin Music Commission Board encourages the City Council to amend Chapter 14-12 of the Austin City Code as follows:

Recommended Definitions:

- (1) "Street Performer" shall mean any person or group of persons who conducts a Street Performance, including, but not limited to, musicians and Buskers.
- (2) "Street Performance" shall mean any theatrical, musical, visual, or other presentation for entertainment purposes on a Public Right-of-Way.
- (3) "Busker" shall mean any Street Performer or group of Street Performers who perform in a Public Right-of-way area for voluntary donations.
- (4) "Busking" shall mean a Street Performance in a Public Right-of-way area for voluntary donations.
- (5) "Public Right-of-way" areas shall mean a pathway or area open to public use that provides an access or egress between private property areas. "Public right-of-way" areas shall include, but not be limited to, any Public Place (including paths, alleys, parks, playgrounds, and/or trails), Roadway, Sidewalk, Street or Highway, or Right-of-way as defined by Sections 1-1-2(14), (16), (17), and (20), and 14-9-31(8) of the Austin City Code.

Recommended Amendments:

Section 14-12. STREET PERFORMANCES

14-12-1 PERMITTED STREET PERFORMANCES

A Street Performer may engage in a Street Performance in any Public Right-of-way provided:

(1) the Street Performer and/or the Street Performance itself does not obstruct either (a) the entrance to any private residence or property, or (b) the entrance to any business during the hours that the business is open;

(2) the Public Right-of-way remains passable;

(3) the Street Performer must, unless otherwise excluded herein, abide by all City of Austin and State of Texas sound ordinance regulations (see §9-2-3), public right-of-way regulations (see §9-4, §12-1-27, §14-9-11, and §14-9-12 & 13), and any regulations regarding public safety.

(4) in the 6th St Entertainment District, the Warehouse District, or the Red River Cultural District, the Street Performances must conclude before 1:00am and

14-12-2 PROHIBITIONS NOT APPLICABLE

The prohibitions of Austin City Code Sections which would otherwise frustrate the purposes of this Chapter [including, but not limited to, Section 9-4-14(E)(2) (prohibiting a person from sitting in the right-of-way or on an object placed in that area); 14-9-1(A)(2) (prohibiting a person from placing a container on the sidewalk adjoining a business, residence, or other premises) and Section 14-9-3(A) (prohibiting a person from placing a bulky item on a street, alley, or sidewalk for more than one hour)] do not apply to a Street Performance otherwise in compliance with this Section.

14-12-3 NO SPECIAL LICENSE/PERMIT REQUIRED

A Street Performer engaging in a Street Performance otherwise in compliance with this Chapter shall not be required to obtain a special license, permit (including, but not limited to, any Temporary Use of Right-of-Way Permit set forth in Austin City Code Chapter 14-11), or any other formal authorization in order to receive voluntary contributions or donations of money or tips by members of the public. Without limiting the generality of the foregoing, utilizing an open instrument case, a "tip jar," or other similar (non-aggressive) container, shall NOT be deemed as "Soliciting" under Austin City Code Section 9-4-13(B)(8).

Date of Approval: August 4, 2014

Record of the vote: Unanimous 5-0 vote from Brad Spies, Joseph Stallone, Heather Wagner Reed, Rich Garza, and Nakia Reynoso. Commissioners Marc Fort and Lindsey Sokol were not in attendance.

Signatures

Staff:

 / Ashley Buchanan

Board Member: