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**M E M O R A N D U M**

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**DATE:** November 5, 2002  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Proposed Ordinance to Restrict Re-Sale Ticket Sellers near Box Offices  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Rick Graham, Steven Allred, Alison Weyher, David Dobbins, Greg Hawkins, Stephen Oliver, Gary Mumford

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This memorandum addresses issues involved in a proposed ordinance to restrict representatives of businesses that resell tickets to a variety of events from reselling the tickets on public sidewalks near ticket box-offices.

**POTENTIAL MOTIONS**

No motions have been suggested because the item is on a work session agenda.

**POTENTIAL OPTIONS**

Advance the proposed ordinance for formal consideration.  
Do not advance the proposed ordinance for formal consideration.  
Suggest amendments to the proposed ordinance.

**ISSUES/POTENTIAL QUESTIONS FOR CONSIDERATION**

Has the proposed ordinance been reviewed by the Business Advisory Board?  
Should theaters, concert halls, and movie theaters be included in the proposed ordinance?

**BACKGROUND/DISCUSSION**

The Administration proposed the ordinance earlier this year. It is City Council staff's understanding that the proposed ordinance stems from concerns by the Salt Lake Stingers Triple-A baseball club raised with the Administration. According to the Administration's transmittal letter, "Current City Code does not go far enough in regulating the resale or scalping of event tickets."

The letter goes on to say that the reason for the proposed ordinance would be "to support those businesses that provide entertainment services to the public by restricting the re-sale of tickets on public streets or sidewalk areas within 300 feet of the nearest box-office window or ticket distribution point."

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The proposed ordinance would create a new section – 14.20.120 – of Chapter 14.20 titled *Sidewalk Use Restrictions*. The proposed ordinance would make it an infraction to “sell, offer to sell, exhibit for sale or solicit any person to purchase tickets for any amusement produced or presented in a theater, stadium or place of amusement when said person is located on the public street or sidewalk area and within 300 feet from the nearest box office window or ticket distribution point of said facility.”

The proposed ordinance defines “theater or place of amusement” as businesses the City licenses under Section 5.74.010. Section 5.74.010 requires operators of theaters, motion picture houses or concert halls to obtain a City license.

It probably should be noted that the proposed ordinance’s title reads, *An Ordinance Enacting A New Section Of The Salt Lake City Code To Provide That Ticket Resellers Not Be Allowed On The Same Block Face As Any Stadium, Theater Or Place Of Amusement*. The new section’s title reads, *Selling Tickets Near a Stadium or Playing Field*.

It may be a small point, but the titles appear to pose contradictions with the text of the proposed ordinance. For instance, it is possible to be 300-feet away from an object on a Salt Lake City sidewalk and still be on the same block face. The new section’s title also appears to focus on stadiums or playing fields and not theaters or places of amusement. City Council Members might wish to seek clarification on whether the proposed ordinance should address only stadiums or playing fields.

As mentioned earlier in this memorandum, the proposed ordinance appears to stem from concerns raised by the Salt Lake Stingers baseball club. According to the club’s Vice President of Operations Dorcena Picknell, three groups of people offering re-sale tickets to the Stingers’ 72 home games during the season consistently have approached people standing in line while the people are waiting to buy tickets at the box-office.

Ms. Picknell said the presence of the groups was disruptive and cost the Stingers organization revenue. The reasons the Stingers lost revenue, Ms. Picknell said was that the tickets offered for re-sale often were sold at less than the face value of the ticket. The re-sellers also appeared to have obtained tickets to games that the Stingers had given away or sold at less than face value as promotions, Ms. Picknell said.

She said the Stingers would like to have the ticket re-sellers located away from the box-office and marquee area.

Three things might be noted:

- According to the Administration, the Stingers lease certain areas of Franklin Covey Field for baseball related events and activities. However, the Stingers do not lease the plaza area outside the stadium gates. That area belongs to the City.
- Last summer a ticket broker who sometimes re-sells tickets to Stingers games told City Council staff that someone had drawn a circle around the box-office area, and security personnel were trying to “intimidate” and “run brokers off the property.”

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- The City Code does not prohibit the re-sale of tickets. Section 5.64.120 requires a variety of solicitors and sellers, including ticket sellers to register with the Chief of Police and pay up to \$25 for an identification card.

Council staff contacted other groups and organizations that also operate businesses similar to the Stingers.

According to Delta Center General Manager Scott Williams, the Delta Center continues to have problems with people who re-sell tickets. However, the bulk of the problems involved re-sellers posting themselves on street corners across from the Delta Center and impeding pedestrians on their way to events. Mr. Williams said the Delta Center would be in favor of “anything that would help” but observed that a 300-foot restriction might not be far enough.

Leslie Reberg, who directs the operations of Salt Lake County’s arts and entertainment facilities said those facilities have not encountered problems with people who re-sell tickets. Ms. Reberg said the facilities have a policy of not refunding money purchased to buy tickets, so ticket re-sale businesses help people who buy tickets but can’t use them.

West Valley City Assistant City Manager Wayne Pyle said West Valley City prohibits the re-sale of tickets in the area around the E-Center, but allows the practice across the street from the E-Center’s entrance.

Sandy City officials said that city has no restrictions on the re-sale of tickets to events there.

University of Utah Ticket Manager Dave Copier said university rules prohibit the re-sale of tickets “to any and all events held in all areas of the campus.” However, the prohibition is only followed “in theory,” Mr. Copier said, because it is hard to get people to enforce it.

According to the Administration, the proposed ordinance is based on an ordinance in Chicago. The Chicago ordinance reads: “It shall be unlawful for any person, while located on the public way within 2,000 feet of a stadium or playing field, to sell, offer, or expose for sale, or solicit any other person to purchase tickets for any amusement produced or presented in that stadium or playing field.”

A brief survey by City Council staff found that Portland, Oregon, prohibits the sale of “any merchandise or services in or upon any sidewalk, street, ... public right of way ... within 250 feet of “grounds or stadium while athletic games are being played.”

Denver appears to prohibit the re-sale of tickets by an ordinance requiring that tickets to athletic and other events be sold at face value. Staff could find no ordinance prohibiting or restricting the re-sale of tickets in Anaheim and Oakland, California.