
M E M O R A N D U M

DATE: August 6, 2004
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Amendment to Chapter 14.38 – Sidewalk Entertainers and Artists
CC: Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Lynn Pace, Boyd Ferguson, Larry Spendlove, Steve Fawcett, Linda Cordova

This memorandum pertains to a proposed amendment to *City Code* Chapter 14.38 titled *Sidewalk Entertainers and Artists*. The City Council is scheduled to formally consider the proposed amendment at its August 10 meeting. According to the City Attorney's Office, the proposed amendment would clarify enforcement of a 150-foot distance restriction between special events and free expression activities and the locations of sidewalk entertainers and artists.

OPTIONS

- Adopt the proposed amendment.
- Do not adopt the proposed amendment.
- Adopt a variation of the proposed amendment.

POTENTIAL MOTIONS

- I move that the City Council adopt the ordinance amending *City Code* Section 14.38.170 Subsection C pertaining to location restrictions for sidewalk artists and entertainers.
- I move that the City Council consider the next item on the agenda.
- I move that the City Council adopt the ordinance amending *City Code* Section 14.38.170 Subsection C pertaining to location restrictions for sidewalk artists and entertainers with the following revisions: (Any proposed amendment by City Council Members.)

BACKGROUND/DISCUSSION

The Salt Lake City Council adopted Ordinance No. 25 of 2004 on June 10. The ordinance repealed and re-enacted Chapter 14.38 titled *Sidewalk Entertainers and Artists* to regulate the activities of sidewalk entertainers and artists in areas of the city. Mayor Ross C. Anderson vetoed the ordinance on July 1, citing concerns about Section 14.38.170 Subsection C. In his *Statement of Objections*, Mayor Anderson said he had asked the City Attorney's Office "to prepare a revised proposed Section 14.38.170C" for the City Council's consideration. On July 6, the City Council adopted a motion to override the Mayor's veto. However, the Council also expressed its intent to review recommendations to amend Section 14.38.170. The City Council discussed the recommendations with City Attorney Ed Rutan at the Council's meeting July 13.

The current version of Subsection C, Section 14.38.170 reads:

C. Special Events and Free Expression Activities: No artist shall perform sidewalk entertainment or display sidewalk art within one hundred fifty feet (150') of any special event or free expression activity for which a permit has been issued under chapter 3.50 of this code while such special event or free expression activity is occurring, if such special event or free speech activity involves, incorporates, promotes, includes, or contains art, artwork, or entertainment activity, unless such artist has permission to do so from the sponsor of the special event or free speech activity. Such distance shall be measured from any boundary of the applicable permitted special event or free expression activity area.

The proposed amendment would add the following language to the section:

“The 150-foot restriction set forth in this Subsection C shall not apply in those instances in which fences, streets, hedges, bodies of water, or other natural or man-made barriers or obstacles are located between the artist and the special event or free-expression activity such that there is no significant likelihood that an objective observer would reasonably believe that the artist is a participant in or a part of the special event or free expression activity.”