
M E M O R A N D U M

DATE: May 12, 2004
TO: City Council Members
FROM: Russell Weeks
RE: Subcommittee Recommendations: Proposed Ordinance – Sidewalk Artists and Entertainers
CC: Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Rick Graham, Nancy Boskoff, Linda Cordova

The following contains recommendations by the City Council Subcommittee established to review the proposed ordinance to regulate sidewalk artists and entertainers.

NEW ITEMS

Some new suggestions are in *italics* in the text under the section titled *Recommendations* to show the suggestions in their proper context. However, the following two items are listed below because italicizing them may have led to some ambiguity or confusion.

Name for fee: It has been suggested that the proposed fee be called a “registration fee” instead of a “permit fee” to make it more palatable to those who may pay it.

D-4 District: The City Council may wish to include the D-4 (Secondary Central Business District) zoning district in the list of areas under consideration for the sell of artwork and performances. The D-4 district is essentially a commercial district and would link the areas zoned D-1 (Central Business District) and GMU (Gateway Mixed-Use).

BACKGROUND

The City Council heard a briefing from the Administration on April 20. After the briefing the City Council appointed a subcommittee made up of City Council Chair Jill Love, Vice Chair Dale Lambert and Council Member David Buhler to address the following issues:

1. Should the City require a permit for sidewalk artists and entertainers and charge a fee for the permit?
2. Should the Administration’s proposed ordinance be amended to limit where artists and entertainers could sell their wares or perform to fewer commercial zones than the Administration proposes?
3. What is an appropriate distance for sidewalk artists and entertainers to sell or perform in areas where a permitted special event is being held?
4. How would a sidewalk artists and entertainers ordinance be enforced and who would enforce it?

5. Is it possible to limit sidewalk artists' wares to original works created by sidewalk artists?

RECOMMENDATIONS

Should the City require a permit for sidewalk artists and entertainers and charge a fee for the permit?

- The Subcommittee recommends that the City should require a permit.
- The Subcommittee recommends that the *annual* fee for the permit should be \$30.
- Fees for people age 16 or younger would be waived for the permit, unless the City Attorney's Office advises that the age waiver would be prohibited legally.
- As in the ordinance that expired November 30, the City Property Management Office would issue the permit.

Should the Administration's proposed ordinance be amended to limit where artists and entertainers could sell their wares or perform to fewer commercial zones than the Administration proposes?

The Subcommittee recommends that sidewalk artists and entertainers may sell or perform in the following areas:

- Areas zoned D-1 (Central Business District)
- Areas zoned D-2 (Downtown Support District)
- Areas zoned GMU (Gateway Mixed Use District)
- Areas zoned C-SHBD (Sugar House Business)
- The Library Square Plaza

The Subcommittee also recommends that sidewalk artists and entertainers may sell or perform in city parks larger than 10 acres, unless the sales or performances are part of a permitted special event.

What is an appropriate distance for sidewalk artists and entertainers to sell or perform in areas where a permitted special event is being held?

In addition to the recommendations above, the Subcommittee recommends that in areas where street artists and entertainers are permitted to sell wares or perform, they should locate 150 feet away from permitted special events.

How would a sidewalk artists and entertainers ordinance be enforced and who would enforce it?

The Subcommittee recommends that violations of the ordinance carry a civil fine of \$30 per violation.

Is it possible to limit sidewalk artists' wares to original works created by sidewalk artists?

The Subcommittee recommends the following definition of the term "art."

“Art” means original works of fine art, graphic art, and aesthetic objects produced by the Artist. It shall not include (1) any artwork produced by any person other than the Artist selling the artwork or his or her immediate family (2) any item intended or suitable for human consumption (3) any artwork purchased or taken on consignment and held for resale and (4) any clothing other than jewelry and other accessories or hand-painted or tie-dye garments that are assembled or created by the artist. If the jewelry, accessories, or garments contain mass-produced or commercially manufactured parts, the parts shall not be the predominant elements of the item sold.

OTHER ITEMS

The Subcommittee recommends that Section 14.38.140 titled *Location Restrictions* Subparagraph A be amended to include the following:

- That in (1) the distance from an intersection be increased from 10 feet to at least 15 feet.
- That all items containing a five-foot distance requirement, that “five feet” be replaced with “eight feet.”
- That fire lanes, taxi zones and loading zones be added to the list of areas requiring an eight-foot distance requirement between those areas and areas where an artist or an entertainer may sell or perform.