ARTICLE XII. - STREET PERFORMERS

Sec. 74-400. - Street performances.

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) City official is any law enforcement officer or city employee designated to inspect for compliance or enforce the provisions of this section.

(2) Perform or performance is audible or visual entertainment such as, but not limited to, reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

(3) Street performer is an individual who performs on public property within the City of Winston-Salem. Street performers may also be referred to as buskers.

(b) Intent and purpose. The mayor and city council find and determine the following:

(1) Permitting regulated performances by street performers would enhance the character and culture of the City of Winston-Salem. Street performers are engaged in commerce as entertainers who receive gratuities in exchange for the artistic value of the performance.

(2) Street performers have a right to perform on public property, but unregulated street performances are also likely to cause adverse impacts to the community such as: gathering crowds attracted to the entertainment offered in public locations not appropriate for street performances because of insufficient room for crowds; blocked access to fire hydrants, sidewalks and public pathways; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; interference with the operation of commercial activities; and disturbance of the quiet enjoyment of residents. Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities from citizens in appreciation of the performance. Therefore, the nature and character of a street performance differs from solicitation of alms and/or charitable contributions.

(3)
For these reasons, it is the intent of the City Council of Winston-Salem to permit street performances in limited locations within the central business district subject to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated street performances. The purpose of this section is to create a means of regulation which ensures the ability of street performers to perform in public spaces and to promote harmony among street performers, local businesses, permitted special event sponsors, residents and visitors of Winston-Salem by balancing the interests of performing artists with those of citizens.

(c) Permit required; procedure for issuance.

(1) Every person engaged in conducting a street performance shall first submit an application for a street performer permit to the community development department. A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address, telephone number, and signature. Upon submitting a complete application and payment of the annual fee of $10.00, the person shall be issued a permit to conduct street performances as permitted herein. A permit shall be valid from the time of issuance until the next June 30. Thereafter the permit may be renewed on or before each June 30 upon the completion of a new application and payment of the standard permit fee. There shall be no pro-rated reduction of the annual fee based on the time of year when the permit is renewed. Any permit issued before June 30, 2015 shall be valid until June 30, 2016.

(2) Every street performer shall maintain possession of the permit issued hereunder during any street performance, and shall produce the same upon the request of any city official.

(d) Locations where street performers are allowed.

(1) Street performers may only perform at specified areas of public property within Winston-Salem which the director of community development or the director's designee determines to be reasonably suitable to conduct street performances without adverse impacts to the community as described in subsection (b)(2) above.

(2) The community development department shall produce and maintain a list of such areas of public property where street performers are permitted to conduct performances.
(3) The director of community development or the director's designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Winston-Salem. In the event the director of community development refuses to allow street performances of any area, any party may petition the city council for the area's inclusion in the list of areas where street performances are permitted.

(e) **Cooperative performances; limit on number of street performers.** Any street performance may be performed cooperatively by no more than five total performers, provided that the performer or group of cooperating street performers stay at least 100 feet away from all other street performances. Each cooperative street performer within a single group is required to meet the permitting requirements of this section. The provisions of this subsection shall not relieve any performer in a cooperating street performance from complying with the regulations contained in subsection (f).

(f) **Regulations.** Street performers shall comply with the following regulations:

1. Street performers shall not block, or cause the blocking of any sidewalk, passageway, street, crosswalk, or any ingress or egress to any building, structure, driveway or other passage. A minimum of five feet of unobstructed pathway on all sidewalks and crosswalks must be maintained at all times. Street performers may not block access to any public benches, fire hydrants, waste receptacles, or other public amenities.

2. Street performers shall perform at least 100 feet away from other street performers.

3. Street performers shall perform at least 50 feet away from any properly permitted sidewalk café, unless the sidewalk café permit holder or that person's designated representative shall have granted the street performer written permission to perform at a closer distance. A street performer is required to keep the writing granting such permission on the performer's person when performing within 50 feet of a sidewalk café.

4. **Within the central business (CB) zoning district, street performances are not permitted before 10:00 a.m. any day nor after 11:00 p.m. Sunday through Wednesday nor after 12:00 a.m. Thursday through Saturday.**

5. **About:blank**
Within the entertainment (E) zoning district, street performances are not permitted before 10:00 a.m. any day or after 2:00 a.m. the following morning. Therefore, street performances are not permitted between 2:01 a.m. and 9:59 a.m.

(6) Street performers shall not commit any violation of chapter 46, articles I and II regulating noise.

(7) Amplification devices are prohibited during street performances.

(8) No street performer on public property shall connect to, or cause to be connected to, any source of electrical power or a water supply system as part of a street performance.

(9) Street performances are not permitted at any location not presently identified on the list kept by the community development department pursuant to subsection (d).

(10) No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.

(11) Street performers shall not remain at a fixed location for a total duration of more than four hours during any 24-hour period. When a street performer leaves a location, the street performer shall not return to that location for at least one hour.

(12) Street performers shall not conduct any street performances on property used for any residential purpose.

(13) Street performers shall not perform on private property without written permission of the property owner. Street performers are required to keep the writing granting such permission on their person during any performance on private property.

(14) Street performers may accept contributions of money or property at their performance in exchange for their artistic performance as allowed in this section, and may sell audio or video recordings of their own artistic works. Street performers shall not sell any other goods, wares, or works of art or conduct any other service on public property in connection with a street performance.

(15)
Street performers shall not infringe upon or detract from the purpose of special events or vendor activities for which a city permit has been issued to another party. Street performers shall not perform at such permitted special events or vendor activities without the written permission of the special event permit holder. A special event permit holder may only grant permission to perform within the special event area to a street performer permit holder. Street performers are required to keep the writing granting such permission on their person during any performance at permitted events, gatherings or activities.

(16) During a street performance, no street performer shall use in any way fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals. No street performer shall use any animal as a part of a street performance. A street performer may be accompanied by a service or disability assistance animal.

(17) While conducting a street performance, a street performer shall not use language or gestures, or display any matter which:
   a. Is obscene as prohibited by G.S. 14-190.1; or

(18) Street performers may display one sign no larger than 18 inches by 18 inches advertising the sale of their own artistic work and asking for compensation in exchange for their live performance. Said sign may be placed on a prop or sandwich board-type stand in a location no closer than three feet from any curb and not in any location which impedes any foot traffic, parking or persons entering or exiting any motor vehicle. Street performers shall remove such signs from any location at the conclusion of their performance. No sign, handbill, flyer or other advertisement shall be left at any location after the conclusion of a performance.

(19) Street performers shall not be under the influence of alcoholic beverages or other controlled or intoxicating substances while performing.

(20) Street performers shall be liable for any damage or injury resulting from a performance.

(21)
Street performers shall promptly comply with the directions of any city official to cease or relocate street performances when the city official determines that such action is necessary for public safety or to comply with the provisions of this section.

(g) *Non-transferability.* A permit issued hereunder shall not be transferable to any other person or group for the purpose of conducting a street performance as defined herein.

(h) *Suspension or revocation.* A permit may be suspended or revoked if a performer is found to have knowingly provided false information on the application or has violated the provisions of this section. Within ten calendar days after a permit is suspended or revoked, a street performer may request a hearing before the director of community and business development who will decide whether the suspension or revocation was warranted. The director’s decision may be appealed to the city manager or the city manager’s designee.

(i) *Penalty.* Where a person is found to be in violation of this section, the person shall first be given a verbal notice and explanation of the ordinance from which this section is derived and violation. Issuance of the verbal notice shall be documented in the police department’s field contact system. Any future violation of this section or any part hereof, shall constitute a class 3 misdemeanor and shall subject the offender to a fine as indicated below:

1. *Second offense.* For the second violation the offender shall be fined $50.00.

2. *Third offense.* For a third violation, where the offender has previously been convicted of violating this section or any part hereof, the offender shall be fined $100.00.

3. *Fourth and subsequent offenses.* For a fourth or subsequent violation, where the offender has at least twice been convicted of violating this section or any part hereof, the offender shall be fined $150.00.

(j) *Severability.* Severability is intended throughout and within the provisions of this section. If any section, subsection, sentence, clause, paragraph or portion thereof is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of any of the remaining portions of this section.

(Ord. No. 4835, § 1, 5-4-15; Ord. No. 2997, §§ 1, 2, 6-18-18)
Sects. 74-401—74-499. - Reserved.