

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2749

A bylaw to regulate Street Entertainers in the City of Courtenay

WHEREAS Council recognizes that the arts, which include talented Street Entertainers, contribute to a vibrant and healthy urban environment;

AND WHEREAS Council wishes to provide for a regulatory scheme that is designed to encourage performance by talented Street Entertainers under conditions that minimize the potential for conflict and nuisance to the public and other people living and working in areas where Street Entertainers perform;

AND WHEREAS Council is authorized, under the *Community Charter*, to regulate business and the use of highways and other public places within the City of Courtenay;

AND WHEREAS Council is authorized, under the *Community Charter*, to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community.

THEREFORE BE IT RESOLVED that the Council of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Street Entertainers Regulation Bylaw No. 2749, 2013”**

INTERPRETATION

2. In this Bylaw, unless the context otherwise requires:

“City” means the City of Courtenay.

“Dangerous props” means items used by a Street Entertainer or Street Entertainer Group during a performance that could constitute a threat to public safety or cause injury to members of the public including but not limited to swords, knives, fire and chainsaws.

“DCBIA” means Downtown Courtenay Improvement Association.

“Peace Officer” includes a member of the Royal Canadian Mounted Police and a Bylaw Enforcement Officer appointed from time to time by resolution of Council.

“Restricted Entertainer Location” means a location where music or noise from any performance, amplified or not, that creates sound audible beyond 75 metres from that location is prohibited. Restricted Entertainer Locations are set out on the Street Entertainers location maps attached to this bylaw as Schedule “A”.

“Special Event” means, where permitted verbally or in writing by the City or , an activity or event undertaken in a public place including, but not limited to, a festival, concert, carnival, sport or other competition, tournament, derby, wedding, group picnic, group celebration, procession, performance, exhibition, ceremony, organized gathering or social, recreational event, convention, workshop, meeting, sales event, kiosk or concession.

“Street Entertainer” includes a musician or performer who entertains the public in or adjacent to a highway or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public.

“Street Entertainment Group” includes two or more Street Entertainers who entertain the public as a group in or adjacent to a highway or other place open to the public and who receives or has an expectation of receiving a gratuity or other donation from one or more members of the public.

“Street Entertainment Permit” means a permit issued under Permit Requirements in this bylaw to a Street Entertainer or Street Entertainment Group.

“Unrestricted Entertainer Location” means a location where music or noise from any performance, amplified or not, that creates sound audible beyond 75 metres from that location is permitted. Unrestricted Entertainer Locations are set out on the Street Entertainers location maps attached to this bylaw as Schedule “A”.

APPROVAL PROCESS - AUDITION

3. Prior to a permit being issued, street entertainers are required to perform at an audition conducted by representatives of the DCBIA. Street Entertainer Permits will only be issued with the approval of the DCBIA subsequent to an audition. Video auditions will be accepted.

PERMIT REQUIREMENTS

4. Street Entertainer Permits shall be issued to individuals or, in the case of a Street Entertainment Group, to one individual of that group.
5. Each permitted Street Entertainer and each individual in a Street Entertainment Group will be issued an identification badge which must be clearly displayed to the public while the Street Entertainer or Street Entertainment Group is performing.
6. Each Street Entertainment Group will have all group members endorsed on the permit.
7. Each Street Entertainment Group may only entertain when two or more individuals endorsed on the permit are performing together.
8. A Street Entertainer Permit will be valid for twelve (12) months from the date of issue.

9. Each Street Entertainer or Street Entertainment Group shall pay Street Entertainer Permit fees as prescribed in Schedule “B” attached to and forming part of this bylaw.
10. Despite any Street Entertainer Permit issued or anything in this bylaw, the Director or a Peace Officer may, at any time, with or without written notice, require a Street Entertainer or Street Entertainment Group to vacate an entertainer location to accommodate:
 - (a) A Special Event; or
 - (b) Operational or emergency activities or works related to services or lands of the City such as, but not limited to, maintenance, closures, repairs, installations or construction or other safety or emergency planning activities carried out by the City of Courtenay.
11. As a condition of issuing a Street Entertainer Permit, each Street Entertainer or Street Entertainment Group must take part in an orientation, to be conducted by the City, of the Street Entertainer Locations and their use.
12. The Director may impose conditions on a Street Entertainment Permit for continuing to hold a Street Entertainment Permit where such conditions are related to the interference with or obstruction of vehicular or pedestrian traffic or any other public safety manner.

REGULATIONS

Permits Required

13. No person, Street Entertainer or Street Entertainment Group shall perform:
 - (a) as a Street Entertainer without first obtaining a valid Street Entertainer Permit;
 - (b) as part of a Street Entertainment Group without being endorsed on the permit;
 - (c) as an individual if endorsed on a Street Entertainment Group, unless holding an individual Street Entertainer Permit;
 - (d) without displaying the identification badge issued to the Street Entertainer or Street Entertainment Group;
 - (e) while their Street Entertainer Permit or Street Entertainer Group Permit has been suspended.

Locations

14. No person, Street Entertainer or Street Entertainment Group shall perform:
 - (a) in any location on public property within the City of Courtenay except those Entertainment locations identified in Schedule “A” of this bylaw;
 - (b) in any restricted Entertainment Location where the human voice or musical instrument is audible beyond 75 meters.

Times of Performances

15. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) in any Entertainment Location before 10:00 a.m. or after 10:00 p.m. seven days a week;
 - (b) in any Entertainment Location for a single continuous time exceeding two (2) hours per day;
 - (c) in any Entertainment Location on the same day where the same Street Entertainer or Street Entertainment Group has already performed or has vacated the location;

Amplification

16. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) with any amplification except with non-acoustical instruments;
 - (b) with more than one amplifier;
 - (c) with any amplification other than with battery operated amplifiers that do not exceed 15 watts;
 - (d) with any amplification that utilized more than one speaker at any restricted or unrestricted location;
 - (e) with any amplification of the human voice at any restricted or unrestricted location;
 - (f) with any amplification that is audible beyond 75 metres from any restricted entertainer location.

General

17. No person, Street Entertainer or Street Entertainer Group shall perform:
- (a) unless in compliance with all provisions of this bylaw;
 - (b) without removing all litter and/or garbage generated by the performance;
 - (c) if obstructing the free passage of pedestrian or permitted bicycle traffic in any way as determined by a Peace Officer;
 - (d) if soliciting for money, verbally or otherwise, in any way other than having an open container for donations at the entertainer location;
 - (e) and sell any recordings or other depictions of their own performance unless doing so during a performance at an entertainer location;
 - (f) or continue to perform when directed by the Director or a Peace Officer to vacate an entertainer location;
 - (g) at any entertainer location during or for the duration of any event that has been scheduled to take place by the City or any organization that has been permitted by the City to hold an event or rent a park, unless permitted to do so by the City or event organizer;
 - (h) using profanity;
 - (i) while consuming alcohol or illegal drugs or while under the influence of alcohol or illegal drugs during performances;

- (j) using props in a manner that could injure or cause damage to a member of the public; or
- (k) using dangerous props.

Suspension or Cancellation of Permit

- 18. The Director is authorized to suspend or cancel the Street Entertainment Permit of any Street Entertainer or Street Entertainer Group where there is reasonable cause.
- 19. The Director is authorized to suspend or cancel the Street Entertainer Permit of any Street Entertainer or Street Entertainer Group who fails to comply with this bylaw or a condition of the Street Entertainer Permit on two occasions or more within any single twelve month period.
- 20. A Street Entertainer Permit issued to a Street Entertainment Group may be suspended or cancelled where one or more persons endorsed in that Street Entertainer Permit fails to comply with this bylaw or a condition of the Street Entertainer Permit on two occasions or more within any single twelve month period.
- 21. Street Entertainers and Street Entertainment Groups must pay all outstanding fines levied under this bylaw before a suspended Street Entertainer Permit will be reinstated.
- 22. If a Street Entertainer Permit is cancelled, a new application will not be accepted until after one year from the date of cancellation of the previous permit held by that Street Entertainer.
- 23. If a Street Entertainer Permit is cancelled, a new application will not be accepted until all outstanding fines levied under this bylaw are paid in full.

ENFORCEMENT AND PENALTIES

Designation of Bylaw

- 24. This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.

Designation of Enforcement Officers

- 25. Peace Officers and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.

Ticketing for Offences

- 26. The words or expressions listed in Schedule “C” in the ‘description of offence’ column are authorized to be used on a ticket issued under Section 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the section column. The amounts appearing in the MTI fine column are the fines set

pursuant to Section 264 of the *Community Charter* for contravention of the respective section of the Bylaw appearing opposite in the section column.

27. A person or persons who contravenes, violates or fails to comply with any provision of this bylaw, or who suffer or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than the fines prescribed in Schedule “C” of this bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the Community Charter (British Columbia) or the Offence Act (British Columbia) as amended from time to time. Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

Schedules

28. The schedules in this bylaw form part of the bylaw and are enforceable in the same manner as the bylaw.

Severability

28. If any section or provision of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the bylaw shall not be affected.
29. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 10th day of June, 2013

Reconsidered, amended and read a second time this 2nd day of July, 2013

Read a third time this 2nd day of July, 2013

Finally passed and adopted this 15th day of July, 2013

Mayor

Director of Legislative Services

Street Entertainers Regulation Bylaw No. 2749, 2013

SCHEDULE “B”

FEE SCHEDULE

Street Entertainer or Street Entertainment Group Permit	\$25.00
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**SCHEDULE “C”
FINE SCHEDULE**

DESCRIPTION OF OFFENCE	BYLAW SECTION	MTI FINE
Perform without a Street Entertainer Permit	12 (a)	\$75.00
Perform without endorsement on permit	12 (b)	\$50.00
Perform as individual from Street Entertainer Group	12 (c)	\$50.00
Perform without displaying badge	12 (d)	\$50.00
Perform when permit is suspended	12 (e)	\$75.00
Perform in unauthorized location	13 (a)	\$50.00
Noise audible beyond 75 metres from a restricted location	13(b)	\$50.00
Perform during prohibited time	14 (a)	\$50.00
Perform exceeding two hours	14 (b)	\$50.00
Perform in same location when prohibited	14 (c)	\$50.00
Perform in more than one location on same day	14 (c)	\$50.00
Amplify an acoustical instrument	15 (a)	\$50.00
Perform with more than one amplifier	15 (b)	\$50.00
Use amplifier that is not battery operated or is more than 15 watts	15 (c)	\$50.00
Amplify more than one speaker	15 (d)	\$50.00
Amplify voice during a performance	15 (e)	\$50.00
Amplification audible 75 meters from a restricted location	15 (f)	\$50.00
Fail to comply with bylaw	16 (a)	\$50.00
Fail to remove litter or garbage	16 (b)	\$50.00
Obstruct pedestrian or bicycle traffic	16 (c)	\$50.00
Solicit for money	16 (d)	\$50.00
Sell recordings other than at performance	16 (e)	\$50.00
Perform when directed to vacate	16 (f)	\$50.00
Perform during event where prohibited	16 (g)	\$50.00
Perform using profanity	16 (h)	\$50.00
Perform while using or under the influence	16 (i)	\$50.00
Perform in a dangerous manner	16 (j)	\$50.00
Perform with dangerous props	16 (k)	\$50.00