

STREET ENTERTAINMENT MISCELLANEOUS AMENDMENTS BYLAW, 2012

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw and the Street Vendors Bylaw to regulate street entertainers and the use of public space.

Under its statutory powers, including sections 8(3)(b) and (h), section 8(5) and sections 36, 46 and 62 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

Title

1. This Bylaw may be cited as the "Street Entertainment Miscellaneous Amendments Bylaw, 2012"

Streets and Traffic Bylaw

2. Bylaw No. 09-079, the Streets and Traffic Bylaw, is amended in section 4 by adding the following definition after "public place" and before "semi-trailer":

"repertoire" means the complete list or supply of skills, drama or musical works available for performance by a street entertainer;

3. Bylaw No. 09-079, the Streets and Traffic Bylaw, is further amended by deleting section 116 and replacing it with the following:

"116 A street entertainer, including a street musician, who performs on a street or a sidewalk or in a public place, must not do any of the following acts:

- (a) while performing at a location, repeat any skill, drama or musical work included in the street entertainer's repertoire;
- (b) remain in the same location for more than 2 hours or after completion of that person's repertoire, whichever occurs first; and
- (c) move to a new location that is closer than the equivalent of 2 City blocks to a location that was used by that person for the purpose of performing the same day."

Street Vendors Bylaw

4. Bylaw No. 89-72, the Street Vendors Bylaw, is amended as follows:

- (a) by deleting section 23 and replacing it with the following:

"23 A person found to be carrying on the business of a peddler, hawker or street entertainer must, on demand of the Licence Inspector, a Bylaw Officer or Police Officer produce:

- (a) the person’s business licence which authorizes their business activity; and
 - (b) documentary identification so as to satisfy the Licence Inspector, Bylaw Officer or Police Officer that the person is the person authorized by the licence produced under subsection (a).”;
- (b) by deleting in section 24(1) the words “his lawful deputy” in the first sentence and replacing them with “a Bylaw Officer”;
- (c) by deleting in sections 32(2) and (3) the words “Director of Administration” wherever they appear and replacing them with “Licence Inspector”;
- (d) by deleting in section 35(1) the words “Noise Abatement Bylaw” and replacing them with “Noise Bylaw”;
- (e) by deleting section 36 and replacing it with the following:
- “36 Only the person to whom a street entertainer licence is issued may perform under the authority of that licence.”;
- (f) by deleting section 37 and replacing it with the following:
- “37 While performing, a street entertainer must comply with the conditions set out in Schedule B of this Bylaw.”;
- (g) by deleting section 38 and replacing it with the following:
- “38 (1) A street entertainer may sell recordings or copies of their performance or work which are not copies of performances or the works of others.
- (2) A street entertainer that offers recordings or copies of their performance or work for sale pursuant to subsection (1) must
- (a) not obstruct pedestrian traffic;
 - (b) keep the recordings or copies offered for sale within arm’s reach of the street entertainer; and
 - (c) only offer the recordings or copies for sale during the street entertainer’s performance. ”
- (h) by adding the Schedule B attached to this Bylaw.

READ A FIRST TIME the	26th	day of	April,	2012
READ A SECOND TIME the	26th	day of	April,	2012

READ A THIRD TIME the **24th** day of **May,** 2012

ADOPTED on the **14th** day of **June,** 2012

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“DEAN FORTIN”
MAYOR

Schedule B
CONDITIONS

General Conditions

A street entertainer shall not perform:

- (1) so closely to another street entertainer so as to unreasonably interfere with that other street entertainer's performance;
- (2) if obstructing the flow of pedestrian traffic, business entrances or vehicular traffic;
- (3) without removing all garbage and litter generated by the performance;
- (4) if such performance excessively or unreasonably disturbs another business to which the street entertainer is adjacent;
- (5) at any location after having been requested to move by an adjacent business or resident, a bylaw officer or City of Victoria staff;
- (6) in a park, other than the parks commonly known as Centennial Square and Bastion Square;
- (7) in areas allocated to special events approved by the City of Victoria from time to time;
- (8) while consuming alcohol or illegal drugs or while under the influence of alcohol or illegal drugs;
- (9) using profanity or offensive content;
- (10) if soliciting donations in any way, other than having an open container for donations at the performance location;
- (11) if displaying any signage other than signage approved by the City of Victoria; and
- (12) within the area commonly known as the Upper Causeway except at the intersections of Wharf Street and Government Street and Belleville Street and Government Street.

Bagpipers

If a street entertainer's performance includes bagpipes, then the street entertainer shall not perform:

- (1) within the area commonly known as the Upper Causeway except at the northwest corner of Belleville Street and Government Street;
- (2) at the same time as another street entertainer whose performance includes bagpipes;
- (3) at the same time as carillon concerts or special events which include music and have been approved by the City of Victoria; and
- (4) except between the hours of 11:00 a.m. and 1:00 p.m. and 5:00 p.m. and 10:00 p.m. Monday to Friday or between the hours of 10:00 a.m. and 10:00 p.m. Saturday, Sunday and statutory holidays.

Chalk Artists

If a street entertainer is a chalk artist, then the street entertainer shall not perform:

- (1) if occupying more than 10 square feet of sidewalk space;
- (2) if another street entertainer who is a chalk artist is performing on the same block (both sides of street); and
- (3) on the same block (both sides of street) more than once within a 3 day period.

Acoustic Bands

If more than one street entertainer is performing together as part of an acoustic band, then the street entertainer shall not perform:

- (1) if the acoustic band consists of more than five (5) street entertainers; and
- (2) except between the hours of 5:30 p.m. and 10:00 p.m. Monday to Friday and 10:00 a.m. and 10:00 p.m. Saturday, Sunday and statutory holidays.

Balloon Artists

If a street entertainer is a balloon artist, then the street entertainer shall not perform:

- (1) unless the performance consists of the construction of balloons; and
- (2) if demanding payment in return for the construction of balloons.