

# City of Asheville North Carolina

**Update on  
Downtown Sidewalk Vending/ Street  
Performers  
Public Safety Committee  
April 27, 2015**



# Downtown: Sidewalk Vending/ Street Performers Update

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- Background
- Review of
  - (a) current ordinance,
  - (b) proposals by Asheville Buskers Collective/  
Asheville Downtown Association, and
  - (c) staff recommendation
- Busker's Collaborative Representative
- Committee Feedback
- Next steps

# Downtown: Sidewalk Vending/ Street Performers Background

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- September 22, 2014: Staff presentation on management of public space in the Downtown/ Central Business District (CBD)
- Focused on (a) Panhandling; (b) Street Performers/ Sidewalk Vendors; (c ) Public Space/ Private Easements
- Did not propose amending ordinances, but sought feedback on items to research further for a broader conversation by City Council
- Committee did not request action or amendments
- Busker's Coalition and Downtown Association offered to work together on solutions

# Downtown: Sidewalk Vending/ Street Performers ABC/ADA Proposals

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Amend ordinance to:

- Clarify that signage is allowed
- Allow street performers to sell CDs
- Change “performer” to “performance”
- Add “Tarot Card Readers” to the street entertainer definition

Self-Regulation

# Downtown: Sidewalk Vending/ Street Performers Signage

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## Current Ordinance:

§ 16-145, § 11-5, 16-142 does not prohibit street entertainer signage.

## Buskers/ Downtown Proposal:

- request clarification that signage is NOT prohibited by ordinance

## Staff Recommendation:

- Add reasonable sign size regulations similar to other commercial signs to the solicitation ordinance

# Downtown: Sidewalk Vending/ Street Performers Sale of records, tapes or other products

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## Current Ordinance:

§ 16-145(4) and § 16-142 do not permit sale of records, tapes or other products other than from push-carts and outdoor merchandise areas connected to businesses.

## Buskers/ Downtown Proposal:

- permit sale of only original music during a performance that must be professionally displayed
- Clearly define what a sidewalk entertainer is and type of merchandise can be sold
- Define standards for display of merchandise, consistent with Downtown aesthetic standards, without need for pushcart
- Have staff investigate online permitting system for sale of only original music

# Downtown: Sidewalk Vending/ Street Performers

## Sale of records, tapes or other products

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### Staff Recommendation:

- Do not amend ordinance to permit sales
  - Content-based constitutional concern only allowing the sale of music
  - If street sales outside pushcarts and outdoor merchandise areas allowed, would need to be part of more comprehensive plan
    - Staff work plan and priorities do not currently support implementing permit system by summer.
- Suggests exploring creative solutions
  - Partnerships with local businesses
  - Work with Downtown Association space
  - Explore pushcart options

# Downtown: Sidewalk Vending/ Street Performers Distance between performers/ performance

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## Buskers/ Downtown Proposal:

- Change 'performer' to 'performance'
- Self-regulate: If two (or more) performers are within 40 feet of each other, they can verbally agree to work together as a 'performance'. If a performer does not want others working around them, then no verbal agreement is made with other performers and they therefore have a 40 foot radius.

## Current Ordinance:

§16-145(7) states that performers of street entertainment shall not perform any closer than 40 feet from another performer.

# Downtown: Sidewalk Vending/ Street Performers

## Distance between performers/ performance

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### Staff Recommendation:

- City Attorney's Office will provide written opinion to Police Department about meaning of 'performer' relative to distance requirement.
  - Performance can mean a person or group of persons, so long as the performers are rationally connected
    - i.e. musicians playing together, or a dancer with a musician, but not typically a musician with a juggler or musician
- More performers together means more sound, less space
  - Recommend extending distance between performers to 125 feet
  - Provide permanent markings of distances in popular areas (Spiritex, Flatiron, Woolworth, Rhubarb) from which distances can be known and enforced

# Downtown: Sidewalk Vending/ Street Performers

## Definition of Sidewalk Entertainment

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### Current Ordinance:

§16-141: Sidewalk entertainment means performance which may include, but not be limited to, music, dance, mimes, magicians, clowns, jugglers and theatrical presentations, but specifically excluding speeches, lectures, and sermons

### Buskers/ Downtown Proposal:

Amend ordinance to include ‘tarot readings’

### Staff Recommendation:

- Do not amend ordinance to include ‘tarot readings’
- Research prohibitions on the use of dangerous objects such as knives, hatchets, swords, flames, etcetera as part of performances

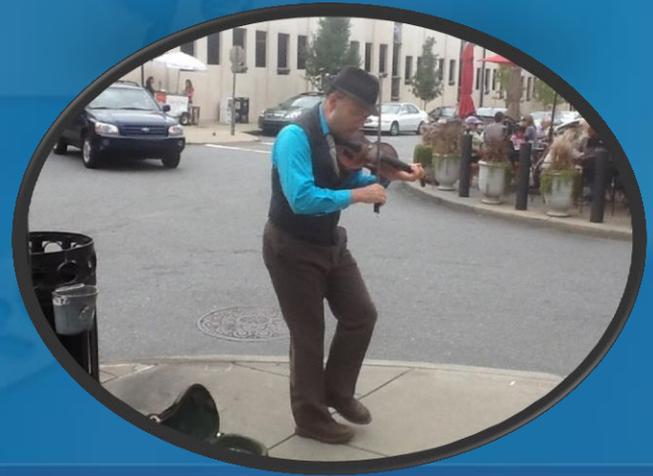
# Downtown: Sidewalk Vending/ Street Performers Self-Regulation Proposals

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## Staff Recommendation:

- Individuals and groups can attempt self-regulation within the boundaries of existing ordinances. This will not replace or impact enforcement of existing ordinance by the City.

# Downtown: Sidewalk Vending/ Street Performers



# Downtown: Sidewalk Vending/ Street Performers Public Safety Committee Feedback

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- Signage
  - Reasonable sign regulations added to solicitation ordinance?
- Sale of CDs
  - Research allowing and permitting sale of original music?
- Distance between performers
  - Change 'performer' to 'performance'?
  - Extend minimum distance between performers?
- Definition of Sidewalk Entertainment
  - Amend ordinance to include 'tarot readings'?
  - Research prohibitions of dangerous options?
  
- Any other areas of interest to research?

# Downtown: Sidewalk Vending/ Street Performers

## Next Steps

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Based on Committee feedback, staff will develop and provide timeline to

- complete research and
- return to propose process in moving any amendments forward through stakeholders, Boards/ Commissions, and to City Council.

# Downtown: Sidewalk Vending/ Street Performers



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