

ORDINANCE TO AMEND CHAPTER 13 WITH RESPECT TO LICENSES, TAXATION, BUSINESS PERMITS AND
MISCELLANEOUS BUSINESS REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO THAT:

Section 1. Chapter 13, Article 1, Sec. 13-9 is repealed in its entirety and reserved for future use.

~~Sec. 13-9. – Peanut and popcorn stands and roasters:~~

~~It shall be unlawful to keep or operate any peanut or popcorn stand or roaster on or in any street or sidewalk of the city.~~

Section 2. The title of Chapter 13 Article II is hereby amended to read as follows:

Article II. – PRIVILEGE LICENSES FOR SELECT BUSINESSES: BEER, WINE, AND TAXICABS, AND MOTOR VEHICLES MUNICIPAL VEHICLE TAX

Section 3. Chapter 13 Article V. Business Permit is hereby amended to read as follows:

Article V. – ~~BUSINESS PERMIT~~ BUSINESS PERMITS FOR COMMERCIAL SOLICITING, PEDDLING, ITINERANT MERCHANTS, MOBILE FOOD VENDING, AND MASSAGE

Division 1. Generally

Sec. 13-181. – Application of this article.

~~The business permit issued under this article shall apply to persons operating or carrying on the businesses of massage, soliciting, panhandling, street performing, peddling, itinerant merchants, and mobile food vending which are physically located within the Greensboro city limits.~~

The business permit issued under this article shall apply to persons operating or carrying on the business of commercial soliciting, peddling, itinerant merchants, mobile food vendors, and massage and bodywork therapy which are physically located within the Greensboro city limits.

Section 4. Chapter 13, Article V. Section 13-202 is hereby amended to read as follows:

Sec. 13-202. Commercial Solicitors.

Section 5. Chapter 13, Article V, Section 13-203 is hereby repealed in its entirety and reserved for future use.

~~Sec. 13-203. Street performers.~~

- ~~(a) *Definitions.* As used in this section, "perform" or "performance" means 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. "Street performer" means an individual who performs on public property within the City of Greensboro.~~
- ~~(b) *Intent and purpose.* The Greensboro City Council finds and determines the following:~~
- ~~(1) Permitting regulated performances by street performers would enhance the character and culture of the city of Greensboro. Street performers are engaged in commerce as professional entertainers whose livelihood comes, wholly or in part, from gratuities received 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 sidewalks; 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 a charitable contribution.~~
 - ~~(3) For these reasons, it is the intent of the Greensboro City Council to permit street performances in limited locations within Greensboro subject to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated street performances. The purpose of this permitting ordinance is to create a means of permitting and regulation which ensures the ability of street performers to perform in public spaces and to promote harmony among street performers, local businesses, permitted event sponsors, residents and visitors of Greensboro by balancing the interests of performing artists with Greensboro citizens through the careful licensing and regulation of street performances.~~
- ~~(c) *Permit required; procedure for issuance.*~~
- ~~(1) Every person engaged in conducting an individual street performance shall first submit an application for a business permit permitting such activity to the city manager or his designee. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street performances as permitted herein.~~
 - ~~(2) Where a group of people seek to conduct a street performance, one (1) member of the group shall submit an application for a business permit permitting such activity to the city manager or his designee which names. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street performances as permitted herein. The business permit issued hereunder shall be the property of the person named in the application and shall be revocable for any violation of this section by any person permitted to conduct street performances under said permit. The applicant shall be required to be present with his or her permit at all times while any person permitted under the permit is engaged in a street performance.~~
 - ~~(3) Before any business permit shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant and other performers. Where a group of people seek to conduct a street performance, each member of the group who may participate in a street performance shall submit to a criminal background history check as required herein. No applicant shall be eligible for issuance or renewal of a business permit under this section if the applicant or any member of a group applying for a permit has been convicted of one (1) or more offenses within a period of ten (10) years preceding the application where each offense involved an assault,~~

~~communicating a threat, any sexual offense or abuse involving a minor, any offense determined to be a sexually violent offense, illegal use of a weapon or other act of violence or attempted violence.~~

- ~~(4) Every street performer shall keep on their person the business permit issued hereunder during any street performance, and shall produce same upon 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 Greensboro which the city manager or their 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 clerk shall keep a list of such areas of public property where street performers are permitted to conduct performances.~~
- ~~(3) The city manager or their designee may solicit opinions from any party concerning the suitability of allowing street performances at any area of public property in Greensboro. In the event the city manager refuses to allow street performances of any area, any party may petition the city council for including the area 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 (5) total performers, provided that the performer or group of cooperating street performers stay at least seventy-five (75) feet away from all other street performances. Each cooperative street performer within a single group is required to meet the permitting requirements of this article. The provisions of this subsection shall not relieve any performer in a cooperating street performance from complying with subsection (f)(1) herein.~~

~~(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, or any ingress or egress to any building, structure, driveway or other passage.~~
- ~~(2) 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, works of art or conduct any other service on public property.~~
- ~~(3) 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.~~
- ~~(4) Street performers shall not infringe or detract from the purpose of special events, temporary gatherings or vendor activities for which a city permit has been issued to another party. Street performers shall not perform at such permitted events, gatherings or activities without the written permission of the 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.~~
- ~~(5) No street performer shall make any use in any way of fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals during a street performance.~~
- ~~(6) Street performers shall stay at least seventy-five (75) feet away from other street performers and one hundred (100) feet from outdoor seating or dining areas.~~
- ~~(7) Street performers shall not commit any violation of chapter 18, article IV, offenses of unreasonable or disturbing sound.~~
- ~~(8) While conducting a street performance, street performers shall not use language or gesture, or display any matter which:~~
- ~~a. Is obscene as prohibited by G.S. § 14-190.1;~~
- ~~b. Incites or urges riot as prohibited by G.S. § 14-288.2; or~~

- ~~c. — Is defamatory, insulting or constitutes a communication which tends to inflict injury or incite an immediate breach of the peace.~~
- ~~(9) — When directed by any city official, street performers shall promptly comply with the directions to cease or relocate street performances when the city official determines that such action is necessary in response to a complaint by a patron or business operator that the street performance interferes with any private business. Upon request, the city official directing a street performer to cease or relocate the street performance is required to immediately inform the person requesting the information the name(s) of the person(s) making the complaint, the nature of the interference described by the complaining party and the location(s) of the business(es) where the interference is alleged to occur.~~
- ~~(10) — Street performers shall not remain at one location for a total duration of more than four (4) hours during any one-day period. When a street performer leaves a location, the street performer shall not return to that location for at least one (1) hour.~~
- ~~(11) — No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.~~
- ~~(12) — Street performances are not permitted at any location not presently identified on the list kept by the city clerk.~~
- ~~(13) — Street performances are not permitted before 11:00 a.m. nor after 11:00 p.m.~~
- ~~(14) — Street performers may display one (1) sign no larger than eighteen (18) inches by eighteen (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 (3) 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.~~
- ~~(15) — Street performers shall not conduct any street performances on property used for any residential purpose.~~
- ~~(16) — Notwithstanding the provisions of section 18-50, a street performer or group may use small, portable and self-powered amplification devices for the purpose of conducting a street performance. All street performers will comply with all remaining provisions of chapter 18, article IV of the Greensboro Code of Ordinances.~~
- ~~(17) — No street performer on public property shall connect to, or cause to be connected to, any source of electrical power or water on public or nearby private property as part of preparation to perform or actual performance. This provision shall not be construed to forbid use of instruments or items with self-contained and secure electrical power supply such as batteries, or the use of a container of potable water for drinking.~~
- ~~(g) — Enforcement.~~
- ~~(1) — Any person who fails or refuses to comply with the regulations contained in this section, or to produce a business permit issued herein upon request of a city official, shall be guilty of a class 3 misdemeanor. Except as otherwise provided herein, a police officer shall issue a citation for a violation of this section.~~
- ~~(2) — A police officer may arrest a street performer or performers for a violation of subsection (f)(1), (3), (4), (5), (7), (8), (9), (13) or (15) herein, interference with the enforcement activities of the officer, or any other act which causes an imminent danger to the public health or safety.~~
- ~~(h) — 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.~~
- ~~(i) — Applicability. The provisions of this section do not apply to any person engaged in a special event as that term is defined in Greensboro Code of Ordinances section 26-247.~~

Section 6. Chapter 13, Article VI, Section 13-206 is hereby enacted to read as follows:

ARTICLE VI. MISCELLANEOUS COMMERCIAL ACTIVITY: COMMERCIAL STREET PERFORMERS, ETC.

Sec. 13-206. – Commercial street performers.

- (a) Definitions. As used in this section, "perform" or "performance" for commercial purposes, not charitable purposes, means 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. "Street performer" means an individual or a group who performs on public property within the City of Greensboro.
- (b) Intent and purpose. The Greensboro City Council finds and determines the following:
- (1) 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 given in appreciation of the performance. Therefore, the nature and character of a street performance differs from solicitation of a charitable contribution.
 - (2) Street performers are engaged in commerce as professional entertainers whose livelihood comes, wholly or in part, from gratuities received in exchange for the artistic value of the performance. Regulation of the commercial performances of street performers would enhance the character and culture of the city of Greensboro.
 - (3) 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 sidewalks; 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.
 - (4) NCGS 160A-178 authorizes a city to enact an ordinance that regulates, restricts or prohibits the business activities of itinerant merchants, salespersons, promoters, drummers, peddlers, or hawkers. NCGS 160A-174 authorizes a city to enact an ordinance that defines, prohibits, regulates or abates acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city. NCGS 160A-296(5) gives a city the power to regulate the use of public sidewalks and public streets.
 - (5) For these reasons, it is the intent of the Greensboro City Council to permit street performances subject to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated street performances. The purpose of this ordinance 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 event sponsors, residents, and visitors of Greensboro by balancing the interests of performing artists with Greensboro citizens through the careful regulation of street performances.
- (c) Regulations. Street performers shall comply with the following regulations:
- (1) Street performers shall not unreasonably block, or cause the unreasonable blocking of any sidewalk, passageway, street, or any ingress or egress to any building, structure, driveway or other passage.
 - (2) 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.

- (3) No street performer shall make any use in any way of fire, sharp instruments or objects, spray paint, aerosols, firearms (real or simulated), dangerous weapons or any form of harmful chemicals during a street performance.
- (4) Street performers shall stay at least seventy-five (75) feet away from other street performers and twenty five (25) feet from outdoor seating or dining areas. If a citation is issued for violating the seventy-five foot separation, the citation shall be issued to the performer arriving second-in-time.
- (5) Street performers shall not commit any violation of chapter 18, article IV, offenses of unreasonable or disturbing sound. A violation of chapter 18, article IV shall not be punishable under this article, but a law enforcement officer may instruct a street performer to cease the chapter 18, article IV violation.
- (6) While conducting a street performance, street performers shall not use language or gesture, or display any matter which:
 - a. Is obscene as prohibited by G.S. § 14-190.1;
 - b. Incites or urges riot as prohibited by G.S. § 14-288.2;
 - c. A violation of G.S. § 14-190.1 or G.S. § 14-288.2 shall not be punishable under this article, but a law enforcement officer may instruct a street performer to cease the G.S. § 14-190.1 or G.S. § 14-288.2 violation(s).
- (7) Street performers shall not remain at one location for a total duration of more than four (4) hours during any one-day period. When a street performer leaves a location, the street performer shall not return to that location for at least one (1) hour.
- (8) No street performer shall claim a greater right to perform at any location over a street performer who arrives first at the same location.
- (9) Street performances are not permitted before 10:00 a.m. nor after 11:00 p.m.
- (10) Signs used by a street performer shall be in a location at least three (3) feet away 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.
- (11) Notwithstanding the provisions of chapter 18, article IV, section 18-50, a street performer or group may use small, portable and self-powered amplification devices for the purpose of conducting a street performance. All street performers will comply with all remaining provisions of chapter 18, article IV of the Greensboro Code of Ordinances.
- (d) Enforcement and penalty.
 - (1) Any person who fails or refuses to comply with the regulations contained in this article upon request of a city official or law enforcement officer, shall be guilty of a class 3 misdemeanor punishable by a fine of up to \$50. Except as otherwise provided herein, a law enforcement officer shall issue a citation for a violation of this article.
- (e) Applicability. The provisions of this article do not apply to any person engaged in a special event as that term is defined in Greensboro Code of Ordinances section 26-247.

Section 7. Severability. If any provision of this article is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Section 8. This ordinance shall become effective upon adoption.