
Chapter 5.88
BUSKING

5.88.000 Chapter Contents

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(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.010 Definitions

“Busk” means to act, sing, play a musical instrument, recite poetry, pantomime, mime, perform magic tricks, or dance for the purpose of or while immediately receiving contributions, alms, charity, or of gifts of items of value for oneself or another person.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.020 License Required

It is unlawful for any person to busk within the Pedestrian Walking Lane described OMC Section 9.16.180.B.2 unless busking is confined to either (a) a busking area designated under OMC Section [5.88.070](#); or (b) a busking area adjacent to a business that has obtained a busking area license, with the consent of the business owner.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.030 License Fees

The license fee for a business desiring to establish a busking zone under Section [5.88.050](#) shall be included in the fee paid for the applicant’s business license issued under Chapter [5.05](#) of the Olympia Municipal Code.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.040 License Application Requirements

A. Any person, firm or business desiring to establish a busking zone adjacent to his or her business shall apply therefor in writing over his or her signature to the Director

of the Olympia Parks, Arts and Recreation Department or his or her designee on forms provided by the City, and such application shall state as to the applicant:

1. The name and address of the applicant;
2. The name and address of the business adjacent to which the busking area is proposed;
3. A drawing or sketch of the location and dimensions of the proposed busking area, which drawing must demonstrate that preservation of a walking lane at least six (6) feet wide and clear of vertical obstruction may remain between the proposed busking area and the curb, provided that said six foot walking lane may include up to two (2) feet of a grate adjacent to a street tree or other planting;
4. The proposed duration of the busking area;
5. Identification of proposed individual buskers, if then known;
6. If the applicant proposes to employ or secure the services of individual buskers, an acknowledgment that said buskers' performances will not: be obscene; violate adopted laws or ordinances applicable to vehicle or pedestrian traffic; or violate adopted laws or ordinances applicable to outdoor noise levels; and
7. A copy of the applicant's business license issued under Chapter 5.05 of the Olympia Municipal Code.

B. Such application shall be accompanied by such credentials or other evidence of the identity of each busker as may be reasonably required by the Director of the Olympia Parks, Arts and Recreation Department or his or her designee.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.050 Issuance of License

Busking zone license. The Director of the Olympia Parks, Arts and Recreation Department or his or her designee shall review the application on the day submitted and, if he or she determines after review that the application is complete and complies with the requirements of OMC Section 5.88.040.B, that the facts set forth in the application are true, and that the applicant possesses a valid Olympia business license for which the applicable fee has been paid, he or she shall then issue the license applied for. Such license shall expire at the conclusion of the period proposed in the application, but no more than the term of the applicant's then-existing Olympia business license.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.060 License to be Carried

Such license shall be carried at all times by each business for whom issued and shall be exhibited by any such business whenever requested to do so by any police officer, or city official, or any other person.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.070 Designated Busking Areas

The City Manager shall designate areas for busking that are located within the downtown area defined in OMC 9.16.180.B.2, Figure 1, but are not located within any Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2. Such areas shall be depicted on a map that shall be available at the office of the Director of the Olympia Parks, Arts, and Recreation Department.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.080 Revocation of License

Any such license may be revoked by the Director of the Olympia Parks, Arts, and Recreation Department for any violation of any statements contained in the license application or any of the requirements of this Code or other ordinances of the city, or of any state or federal law.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.090 Violations - Misdemeanor - Gross Misdemeanor - Civil Infraction

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.

3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Civil Enforcement.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

5.88.100 Appeal

Any applicant aggrieved by denial or revocation of a license hereunder may appeal the denial or revocation to the City Manager, who shall hold an appeal hearing after reasonable notice to the appellant, and issue a decision on the appeal within twenty-four (24) hours of hearing the appeal. The City Manager's decision shall be final.

(Ord. 6461 §3, 2007; Ord. 6456 §3, 2007).

This page of the Olympia Municipal Code is current through Ordinance 6764, passed August 15, 2011.

Disclaimer: The City Clerk's Office has the official version of the Olympia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Olympia's Codification Process (<http://olympiawa.gov/city-government/codes-plans-and-standards/municipal-code.aspx>)

City Website: <http://olympiawa.gov/>
(<http://olympiawa.gov/>)
City Clerk: (360) 753-8325
Code Publishing Company
(<http://www.codepublishing.com/>)