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City Council

Busking Final Report

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Title
Busking Final Report

Issue:
Last year, several individuals raised concern about clarity regarding the city's busking requirements.

Committee Recommendation:
To be determined.

City Manager's Recommendation:
Review information and provide guidance.

Staff Contact:
Brian Wilson, Downtown Liaison, Community Planning & Development, 360.709.2790

Presenter(s):
Brian Wilson, Downtown Liaison

Background and Analysis:
In 2006 and 2007, the City Council adopted ordinances prohibiting sitting, lying, vending, soliciting and other activities in a 6-foot pedestrian walking lane on sidewalks in the downtown (see Attachment #2). Amendments to the pedestrian interference portion of the ordinance and a new busking ordinance were adopted.

The 2012 Council priorities include the downtown. Specifically, "create a safer, more welcoming downtown for all." Busking (support for performing arts), providing clear pedestrian passage and ensuring access to business are vital to a vibrant downtown that is welcoming to all.

Busking was not initially identified by staff as a concern and was not included in the downtown project. However, based upon the range of public comments, it is clear that there is misunderstanding. After review of the ordinance and recent court cases, staff recommends that only action needed is to clarify and educate businesses and buskers on the ordinance.

KEY PROVISIONS IN THE BUSKING ORDINANCE (See Attachment 1):

Definition.

“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 gifts of items of value for oneself or another person.

Busking Areas.

Busking is permitted throughout the entire city including the downtown so long as a 6-foot pedestrian area walking lane is maintained. There are several locations in downtown Olympia where busking is permitted within the 6-foot pedestrian area (See Attachment 2). If a business owner wishes to allow busking within the 6-foot pedestrian area in front of their storefront, they can obtain a permit from the City of Olympia. Buskers do *not* have to obtain a permit.

Permit Application and Fee.

As stated above, a permit is only required if busking is to occur within the 6-foot pedestrian walking lane in front of a business. The adjoining business owner, not the busker, fills out an application depicting how the 6-foot pedestrian walking lane will be provided and any other known information (See Attachment 3). There is no additional fee for this permit other than the base business license fee. City staff reviews the application for completeness and issues the permit. The permit is carried by the business, exhibited if requested by City staff and expires at the conclusion of the period proposed in the application, or not later than the term of the applicant’s then-existing business license.

Neighborhood/Community Interests (if known):

Citizens have written emails (see Attachment #4) and spoke to Council under public comment (see Attachment #5). The comments include:

- Support for buskers and busking
- Music & Artistic expression promote healing, healthiness & happiness
- Make it easier to obtain a busking permit
- Allow buskers to obtain permit
- Don’t require a permit
- Require buskers to obtain business owner approval
- Require buskers to use chairs
- Expand areas that don’t require permit
- Prohibit busking near pay stations and ATMs
- Create enhanced busking areas (provide stools & awnings)
- Buskers should become organized, build contacts with businesses and provide scheduled access at popular locations
- Lack of information on whether buskers stimulate or hinder business
- Potential infringement on free speech
- Inconsistent and unequal enforcement
- Repeal busking laws
- Retain the busking laws as they currently exist
- Revise the busking laws consistent with comments
- General safety and unwelcoming behaviors
- Inability or difficulty to walk downtown

Staff has met with the Buskers Union and the Olympia Downtown Association in order to reach a better understanding of the existing ordinance. This resulted in co-writing a letter (See Attachment 6) which was mailed out on March 23, 2012 to the downtown business owners clarifying the busking ordinance and outlining future plans related to busking.

Options:

Staff has prepared an educational brochure (See attachment 2) which outlines busking regulations. The brochure also contains a map indicating over a dozen locations in the downtown core where busking is permitted within the 6-foot pedestrian lane without obtaining a permit. This educational brochure will be available at City Hall and the Olympia Center. It will also be on the city's website.

Financial Impact:

None.