

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING TITLE 13 OF THE RIVERSIDE MUNICIPAL CODE BY
ADDING CHAPTER 13.30 - STREET PERFORMANCE AND AMENDING
CHAPTER 13.21 REGARDING THE FESTIVAL OF LIGHTS
REGULATIONS

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents for Title 13, Streets, Sidewalks, Trails and Trees, is
hereby amended to include Chapter 13.30 as follows:

“Title 13 – Streets, Sidewalks, Trails and Trees

Chapter 13.30 Street Performance

Section 2: Chapter 13.30 of the Riverside Municipal Code - Street Performance is hereby
added as follows:

“Chapter 13.30

STREET PERFORMANCE

Section:

13.30.010 Findings.

13.30.020 Purpose.

13.30.030 Definitions.

13.30.040 Rules and Regulations.

Section 13.30.010 Findings.

The City recognizes that Street Performers are afforded rights related to freedom of
speech and freedom of expression. The City also recognizes that the current climate of the
country is such that the general public is operating at a heightened state of alert in large crowds.

The City desires to enhance the safety of the City’s residents, businesses and visitors by
implementing safe regulations for the Street Performers and the public at large.

Often, Street Performers draw extremely large crowds blocking pedestrian and
emergency pathways. This can create serious safety problems by impacting the ability of
individuals to move safely on sidewalks in high pedestrian traffic areas in that Street Performers
attract large stationary crowds which have a tendency to block passageways and impede the
path of travel. It is crucial to the continued interest of the community for the City to safeguard

1 public ways with reasonable restrictions and regulations to ensure the health, safety and welfare
2 of the public.

3 Established federal and state law allows municipalities to regulate the time, place, and
4 manner of speech and other forms of expression where such regulations are narrowly tailored,
5 content-neutral, and leave open ample alternative channels of communications for Street
6 Performers desiring to display Expressive Activities in proximate performance areas where
7 Street Performers may reasonably reach their intended audience.

8 The City therefore finds, that in order to ensure the safety of the residents, businesses
9 and visitors, it is necessary to prohibit Street Performers from performing in violation of this
10 Section.

11 **Section 13.30.020 Purpose.**

12 The City Council finds that the existence in the City of Street Performers provides a
13 public amenity that enhances the character of the City and seeks to encourage such
14 performances in a manner consistent with the overall public interest. The City Council also
15 recognizes that Street Performers seek to and do draw crowds to their performance. This can
16 create serious safety problems by impacting the ability of pedestrians to move safely on
17 sidewalks and through crosswalks and impeding the response time of safety personnel. It can
18 also impact access to and egress from businesses. Cognizant that Street Performers are engaged
19 in First Amendment activities, this Chapter imposes reasonable time, place, and manner
20 restrictions on Street Performers to the extent necessary to ensure the safety of Street
21 Performers, their audience, and the general public and to prevent unreasonable interference
22 with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate
23 and conduct their business.

24 **13.30.030 Definitions.**

25 "Aggressive Measures" shall include blocking or impeding the passage of the solicitee
26 intentionally; touching the solicitee with the intent to intimidate or coerce; following the solicitee,
27 going behind, ahead or alongside of him or her, with the intent to intimidate or coerce;
28 threatening the solicitee, by word or gesture, with physical harm; and/or abusing the solicitee
with words which are offensive and inherently likely to provoke an immediate violent reaction.

1 **“Expressive Activities”** means conduct, the sole or principal object of which is the
2 expression, dissemination, or communication by verbal, visual, literary, or auditory means of
3 opinion, views, expression or ideas that are likely to be understood as such in the surrounding
4 circumstances.

5 **“Curb Cut”** means a solid ramp graded down from the top surface of a sidewalk to the
6 surface of an adjoining street which is designed primarily for pedestrian usage.

7 **“Perform”** or **“Performance”** means the expressive activities of acting, singing,
8 percussion, playing musical instruments and the like, pantomime, mime, magic, dancing,
9 juggling, artistry or the creation of visual art and wares, including but not limited to drawings
10 or paintings applied to paper, cardboard, canvas, cloth or to other similar medium when such
11 art is applied to the medium through the use of brush, pastel, crayon, pencil, spray or other
12 similar object and the creation, display and/or sale of crafts made by hand or otherwise.

13 **“Street Performer”** or **“Performer”** means individuals who Perform in a public area or
14 areas for the purpose of providing public entertainment or whose performance otherwise has
15 the effect of drawing a crowd or audience.

16 **“Public areas”** means sidewalks, parkways, walkways, and all other public spaces and
17 properties in the City.

18 **13.30.040 Rules and Regulations.**

19 **A. No Performer may perform:**

20 1. **Within ten (10) feet of any bus stop;**
21 2. **Within ten (10) feet of any street corner or a marked pedestrian crosswalk;**
22 3. **Within ten (10) feet of the outer edge of any entrance of any business,**
23 **including, but not limited to: doors, vestibules, driveways, outdoor dining area entries, and**
24 **emergency exits, during the hours that any business on the premises is open to the public or to**
persons having or conducting lawful business within those premises;

25 4. **Within ten (10) feet of the outer edge of any entrance to any residence;**

26 **B. A Performer and the Performer’s equipment may not block or obstruct the free**
27 **and safe movement of pedestrians. If a Performer attracts a crowd sufficient to block the**
28 **passage of the public through a public area, the City may disperse that portion of the crowd that**

1 is blocking or obstructing the passage of the public. If efforts to move the crowd fail to
2 adequately protect the public safety or order, a City police officer may cause the Performer to
3 leave the location or require that the Performer relocate his or her equipment, but shall not
4 prevent the Performer from occupying another location in compliance with this Chapter that
5 does not block the free and safe movement of pedestrians or vehicular traffic. Failure on the
6 part of a Performer to comply with a lawful order to leave his or her location or relocate his or
7 her equipment under this paragraph shall be deemed a violation of this Code.

8 C. A Performer may not perform so as to obstruct access to private property.

9 D. There shall be no charge for a performance. Money given for a performance shall
10 be on a donation only basis. A Performer may perform whether or not the Performer receives
11 compensation for the performance. A Performer may not charge a set fee for the performance
12 or use aggressive measures to solicit donations.

13 E. No Performer shall use any knife, sword, torch, flame, axe, saw, or other object
14 that can cause serious bodily injury to any person, or engage in any activity, including, but not
15 limited to, acrobatics, tumbling, or cycling, that can cause serious bodily injury to any person.

16 F. No Performer shall use any generator, wet cell battery with removable fill caps,
17 or any other power source that poses a fire or public safety hazard. No Performer shall connect
18 or maintain an electrical cord to an adjacent building or to a City power source without prior
19 consent.

20 G. No Performer shall place any object on a public sidewalk which causes less than
21 a five-foot (5') contiguous sidewalk width being kept clear for pedestrian passage.

22 H. A Performer shall stay within ten (10) feet of his or her instruments, props,
23 equipment, merchandise, or other items at all times that these items are on a public sidewalk,
24 public street, or public right-of-way.

25 I. No Performer shall perform in contravention of the allowable noise standards
26 established by this Code.

27 J. No Performer shall block or obstruct a Curb Cut.

28 K. No Performer shall ask or allow any observer, bystander, or audience member to
engage in any activity, including, but not limited to, acrobatics, tumbling, or cycling that can

1 cause serious bodily injury to any person.

2 L. No Performer shall fasten or affix any item including, but not limited to, tape,
3 strap, chain, tie, band, or rope, to any public property.

4 M. No Performer shall utilize or prevent the public from utilizing any public benches,
5 waste receptacles or other street furniture during the performance.

6 N. No minor under the age of 16 may perform unless the minor is at all times
7 accompanied by a responsible adult 18 years of age or older, has obtained an entertainment
8 work permit issued by the Department of Industrial Relations of the State of California and
9 maintains the permit in his or her possession at the time of the performance.

10 O. In addition to the above requirements, Performers must comply with the
11 requirements of Section 13.21 of this Code.

12 P. Performers are prohibited from blocking the passage of the public through any
13 public area, or blocking entry/exit to any business or residence.

14 ~~Q. Performers are prohibited from nudity, or any other explicit content.~~

15 **RQ.** Performers will execute crowd control at all times before, during, and after their
16 performance(s). When a large group of people gathers to watch a performance, clear and
17 courteous passage must be made possible for the public.

18 **SR.** Any street performer violating any of the above shall be subject to fines as set
19 forth in Chapter 1.17 of this Code.

20 **TS.** A violation occurring after a period of 12 consecutive months of no violations shall
21 be considered a first violation.

22 **13.30.050 Severability**

23 **If any part or provision of these Sections, or the application thereof to any person or**
24 **circumstance, is held invalid, the remainder of the Sections, including the application of that**
25 **part or provision to other persons or circumstances, shall not be affected thereby and shall**
26 **continue in full force and effect. To this end, the provisions of these Sections are severable.**

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Section 3: Section 13.21.040 of the Riverside Municipal Code is hereby amended to read as follows:

Section 13.21.040 Regulation of Street Performers.

B. Additional Regulations.

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7. Comply with Chapter 13.30 of this Code.

Section 4: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 5: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this day of , 2019.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2018, and that thereafter the said ordinance was duly and regularly
4 adopted at a meeting of the City Council on the _____ day of _____, 2019, by the
5 following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 City of Riverside, California, this _____ day of _____, 2019.

12 _____
13 City Clerk of the City of Riverside

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15 CA 18-0449; 07/11/19
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