

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,  
AMENDING TITLE 13 OF THE RIVERSIDE MUNICIPAL CODE BY  
ADDING CHAPTER 13.30 - STREET PERFORMERS 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 Performers

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

“Chapter 13.30

STREET PERFORMERS

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

1 continued interest of the community for the City to safeguard public ways with reasonable restrictions  
2 and regulations to ensure the health, safety and welfare of the public.

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

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

10 Section 13.30.020 Purpose.

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

22 13.30.030 Definitions.

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

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

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

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

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

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

#### 17 13.30.040 Rules and Regulations.

##### 18 A. No Performer may perform:

- 19 1. Within ten (10) feet of any bus stop;
- 20 2. Within ten (10) feet of any street corner or a marked pedestrian crosswalk;
- 21 3. Within ten (10) feet of the outer edge of any entrance of any business, including,  
22 but not limited to: doors, vestibules, driveways, outdoor dining area entries, and emergency exits,  
23 during the hours that any business on the premises is open to the public or to persons having or  
24 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 and safe  
27 movement of pedestrians. If a Performer attracts a crowd sufficient to block the passage of the public  
28 through a public area, the City may disperse that portion of the crowd that is blocking or obstructing  
the passage of the public. If efforts to move the crowd fail to adequately protect the public safety or

1 order, a City police officer may cause the Performer to leave the location or require that the Performer  
2 relocate his or her equipment, but shall not prevent the Performer from occupying another location in  
3 compliance with this Chapter that does not block the free and safe movement of pedestrians or  
4 vehicular traffic. Failure on the part of a Performer to comply with a lawful order to leave his or her  
5 location or relocate his or her equipment under this paragraph shall be deemed a violation of this Code.

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

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

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

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

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

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

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

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

25 K. No Performer shall ask or allow any observer, bystander, or audience member to  
26 engage in any activity, including, but not limited to, acrobatics, tumbling, or cycling that can cause  
27 serious bodily injury to any person.

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

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

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

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

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

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

14 R. Any street performer violating any of the above shall be subject to fines as set forth in  
15 Chapter 1.17 of this Code.

16 S. A violation occurring after a period of 12 consecutive months of no violations shall be  
17 considered a first violation.

18 13.30.050 Severability

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

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

28 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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CA 18-0449; 07/11/19