



## SANTA MONICA BUSINESS LICENSE STREET PERFORMANCE ORDINANCE

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### Chapter 6.112 Street Performance

#### 6.112.010 Purpose.

The City Council finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances in a manner consistent with the overall public interest. The City Council also recognizes that street performers seek to and do draw crowds to their performance. This can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses. Cognizant that street performers are engaged in First Amendment activities, this Chapter imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97)

#### 6.112.020 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

- (a) **Charge.** To require someone to pay a fee or to set, negotiate or establish a fee for a performance. Seeking voluntary contributions through passing around a hat, leaving open an instrument case or other receptacle, or soliciting donations after a performance is not a charge.
- (b) **Handcrafts.** Objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing, and beading including, but not limited to, objects such as jewelry, pottery, silver work, leather goods, and trinkets. Handcrafts are not likely to communicate a message, idea, or concept to others, are often mass produced or produced with limited variation, and often have functional utility apart from any communicative value they might have. Handcrafts do not include visual art.
- (c) **Perform.** To engage in any of the following activities on public property: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, creating visual art in its entirety, or similar artistic endeavors. "Perform" shall not include: (1) the provision of personal services such as hair weaving or massage; (2) the application of substances to others' skin, including, but not limited to, paints, dyes, and inks; (3) the completion or other partial creation of visual art; (4) the creation of visual art which is mass produced or produced with limited variation; or (5) the creation of handcrafts. This list of exclusions is not intended to be exhaustive.
- (d) **Performer.** An individual who "performs" on public property to provide public entertainment. Indicia of being a performer include, but are not limited to, setting up performance equipment; staging or orienting the performance towards the public; performing in the same location for an extended period of time; performing in the public for multiple days; seeking voluntary contributions through passing around a hat or leaving open an instrument case or other receptacle; and soliciting donations after a performance.

(e) **The Pier.** The Santa Monica Pier, consisting of both the Newcomb Pier and the Municipal Pier, protruding from the Santa Monica State Beach at the southwesterly terminus of Colorado Avenue, and extending for approximately two thousand one hundred thirty-five feet into the Santa Monica Bay. The Pier is divided into three performance areas: the Center Performance area, the Breezeway Performance area, and the General Performance area. The boundaries of each of these performance areas are delineated in Exhibit A to Resolution Number 9704 (CCS), or any successor resolution thereto.

(f) **Sculpture.** A three dimensional work of art which is created through shaping solid material such as wood, stone, clay or metal by carving, modeling, or similar methods.

(g) **Third Street Promenade.** Third Street between the southeasterly line of Wilshire Boulevard and the northwesterly line of Arizona Avenue, and between the southeasterly line of Arizona Avenue and the northwesterly line of Santa Monica Boulevard and between the southeasterly line of Santa Monica Boulevard and the northwesterly line of Broadway.

(h) **Transit Mall.** The sidewalks on Santa Monica Boulevard and Broadway from the east side of Ocean Avenue to the west side of Fifth Street.

(i) **Visual Art.** Sculptures or drawings and paintings, applied to paper, cardboard, canvas, or other similar or technologically equivalent medium through the use of brush, pastel, crayon, pencil, stylus, or other similar object. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 4, adopted 7/20/99; Ord. No. 1959 CCS § 1, adopted 10/12/99; Ord. No. 1982CCS § 1, adopted 8/8/00; Ord. No. 2009CCS § 1, adopted 5/22/01; Ord. No. 2028CCS § 1, adopted 11/13/01; Ord. No. 2047CCS § 1, adopted 7/9/02; Ord. No. 2337CCS § 1, adopted 12/14/10)

#### **6.112.030 Rules and regulations.**

(a) Subject also to Sections 6.112.050 and 6.112.060, no performer may perform:

- (1) Within ten feet of any bus stop;
- (2) Within ten feet of any street corner or a marked pedestrian crosswalk;
- (3) Within ten feet of the outer edge of any entrance of any business, including, but not limited to: doors, vestibules, driveways, outdoor dining area entries, and 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;
- (4) Within ten feet of the outer edge of any entrance to any residence;
- (5) Within twenty feet of the outer edge of any stairs or ramp on the south side of the Pier;
- (6) Within ten feet of the outer edge of the roadway leading to the Pier;
- (7) On the wooden landing or wooden walkways immediately north of the Pier.

(b) No person may perform on the Third Street Promenade, the Pier, or the Transit Mall without first obtaining a performance permit issued by the City pursuant to Section 6.112.040 unless the performance is conducted on Monday through Friday prior to twelve noon and that day is not a holiday as defined in subsection (q) of this Section.

(c) A performer and the performer's equipment may not block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to observe a performer such that the passage of the public

through a public area is blocked or obstructed, a Police Officer or Fire Official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a performer cannot conduct a performance in a location without blocking or obstructing the passage of the public, a Police Officer or Fire Official may cause the performer to leave the location or require that the performer relocate his or her equipment, but shall not prevent the performer from occupying another location in compliance with this Chapter.

(d) There shall be no charge for a performance. Money given for a performance shall be on a donation only basis. A performer shall perform whether or not the performer receives compensation for the performance. A performer may not charge a set fee for the performance or use aggressive measures to solicit donations. For purposes of this subsection, aggressive measures shall include: blocking or impeding the passage of the solicitee intentionally; touching the solicitee with the intent to intimidate or coerce; following the solicitee, going behind, ahead or along side of him or her, with the intent to intimidate or coerce; threatening the solicitee, by word or gesture, with physical harm; or abusing the solicitee with words which are offensive and inherently likely to provoke an immediate violent reaction.

A performer shall not be required to obtain a vendor permit pursuant to Chapter 6.36 or a business license pursuant to Chapter 6.04. Other Federal, State, and local laws may apply to this activity and to sales, including, without limitation, local, State, and Federal tax laws. It is each performer's sole responsibility to ensure that he or she is familiar with and complies with such laws.

(e) No performer shall construct, erect, or maintain any stage, platform, or similar structure for use during any performance unless the stage or platform:

- (1) Is integral to the performance and the performance only takes place on the stage;
- (2) Does not exceed four feet by four feet and one-quarter inch in height;
- (3) Is removed from the public way when the performer is not performing;
- (4) Has beveled edges.

(f) No performer shall use any knife, sword, torch, flame, axe, saw, or other object that can cause serious bodily injury to any person, or engage in any activity, including, but not limited to, acrobatics, tumbling, or cycling, that can cause serious bodily injury to any person.

(g) No performer shall use any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard. No performer shall connect or maintain an electrical cord to an adjacent building or to a City power source.

(h) No performer may litter his or her performance site.

(i) No performer shall utilize or prevent the public from utilizing any public benches, waste receptacles, or other street furniture during the performance.

(j) No minor under the age of sixteen can perform unless the minor is at all times accompanied by a responsible adult eighteen years of age or older, has obtained an entertainment work permit issued by the Department of Industrial Relations of the State of California and maintains the permit in his or her possession at the time of the performance.

(k) No performer shall place any object on a public sidewalk which causes less than a four-foot contiguous sidewalk width being kept clear for pedestrian passage.

(l) No performer shall perform with more instruments, props, equipment, merchandise, or other items than the performer can reasonably transport and remove all at once within three minutes.

(m) No performer shall place his or her instruments, props, equipment, merchandise, or other items on a public sidewalk, public street, or public right-of-way for more than two hours without performing in accordance with the provisions of this Chapter.

(n) A performer shall stay with his or her instruments, props, equipment, merchandise, or other items at all times that these items are on a public sidewalk, public street, or public right-of-way.

(o) No performer shall perform in contravention of the allowable noise standards established by Chapter 4.12 and Chapter 6.116 of this Code.

(p) No performer shall block or obstruct a curb cut.

(q) The following formula establishes the special performance hours that apply during specified holidays on the Third Street Promenade, the Transit Mall, and the Pier:

- (1) If the holiday follows a weekend and the next day is a workday, then the holiday shall be treated as if it were Sunday and the day preceding the holiday shall be treated as if it were Saturday.
- (2) If the holiday precedes a weekend, then the holiday shall be treated as if it were Saturday and the preceding day shall be treated as if it were Friday.
- (3) If the holiday occurs during midweek, and is surrounded by workdays, then the holiday shall be treated as if it were Sunday and the day preceding the holiday shall be treated as if it were Friday.

The following is a list of holidays which trigger the application of this subsection: New Year's Day, President's Day, Memorial Day, Independence Day, Columbus Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day. The City Council may by resolution add to this list of holidays.

(r) No performer shall perform outside designated performance zones on the Third Street Promenade and the Pier, as established by resolution of the City Council. . (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 5, adopted 7/20/99; Ord. No. 1959CCS § 2, adopted 10/12/99; Ord. No. 2047CCS § 2, adopted 7/9/02; Ord. No. 2075CCS § 1, adopted 5-13-03; Ord. No. 2304CCS § 1, adopted 1/19/10; Ord. No. 2337CCS § 2, adopted 12/14/10)

#### **6.112.040 Performance permit.**

(a) To receive a performance permit, a person must complete and file with the City a performance permit application on a form approved by the City. The applicant must provide the following information:

- (1) The applicant's name;
- (2) The applicant's address;
- (3) Proof of the Identity of the Applicant. This identification must contain a photograph of the applicant. Acceptable forms of identifications shall include, but not be limited to, a driver's license, student identification card, or passport;
- (4) A detailed description of the nature of the act to be performed;
- (5) A detailed description of any instrument(s) or prop(s) which will be used by the performer(s);

- (6) A minor under the age of sixteen shall provide a copy of an entertainment work permit issued to the minor by the Department of Industrial Relations of the State of California and shall identify the responsible adult(s) who will be with the minor at all times that the minor is performing.
- (b) The performance permit will be issued annually commencing on January 1st of each calendar year.
- (c) Upon receipt of a written application for a performance permit, a performance permit shall be approved within three business days of the filing of a fully completed application, unless one of the following findings is made:
- (1) The applicant has knowingly made a false, misleading, or fraudulent statement of fact to the City in the application process;
  - (2) The application does not contain the information required by this Chapter;
  - (3) The applicant has not satisfied the requirements of this Chapter.
- (d) In addition to requiring compliance with all provisions of this Chapter, the City may condition the approval of a performance permit on the applicant's compliance with other provisions of the City's Municipal Code which are applicable to the performance.
- (e) The City may revoke or suspend a performance permit upon the commission of the second violation either of this Chapter, Chapter 3.74 of this Code, or of permit conditions within a six-month period, or one violation of the same if the violation posed serious risks to public safety, or one violation relating to a false, misleading, or fraudulent statement of fact in the performer's permit application. In any such case, the permit holder shall have the right to appeal from a decision of the City to revoke or suspend any permit in accordance with Chapter 6.16 of this Code. A performer's permit may be suspended for up to four months. If the performance permit of any performer is suspended, no new permit shall be issued during the period of suspension. Notwithstanding the above, if a performer's permit is suspended as a result of a false, misleading, or fraudulent statement of fact in the performer's permit application, the permit shall not be reinstated until the false, misleading or fraudulent statement is corrected by the performer. Any revocation of a performer's permit shall be for six months unless the performer previously had a performance permit revoked and the new violations of this Chapter or permit conditions relate to public safety, in which case, the permit shall be revoked for twelve months. No new permit shall be issued during a revocation period. The City may establish administrative regulations to assist in the implementation of this Section.
- (f) No application for a performance permit or the renewal thereof shall be accepted unless the application is accompanied by a payment of a nonrefundable annual fee in an amount to be set by resolution adopted by the City Council.
- (g) The performance permit shall include a photograph of the performer, shall not be assignable or transferable, and shall contain the permit number of the applicant and the year in which the permit expires. Each performer in a group shall obtain his or her own separate performance permit.
- (h) A replacement performance permit may be obtained upon payment of a nonrefundable fee in an amount to be set by resolution adopted by the City Council.
- (i) A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any City police or fire official on request.
- (j) The City Council may by resolution adjust the noise limitations established in this Chapter during public holidays.
- (k) When an applicant requests a performance permit application, the City shall also give the applicant a document which summarizes the rules and regulations concerning street performances in the City. This

document may be, but is not required to be, a copy of this Chapter.) (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 6, adopted 7/20/99; Ord. No. 2047CCS § 3, adopted 7/9/02; Ord. No. 2145CCS § 1, adopted 11/23/04; Ord. No. 2451CCS § 1, adopted 12/10/13)

#### **6.112.050 Special regulations for Third Street Promenade and Transit Mall.**

In addition to the requirements of Sections 6.112.030 and 6.112.040, no performer shall perform in the Third Street Promenade or the Transit Mall outside of an enclosed building in violation of the following requirements:

(a) Except as provided in subsection (q) of Section 6.112.030, no performer shall perform except during the following time periods:

(1) Nine a.m. to eleven p.m. daily.

(2) Eleven p.m. on Friday and Saturday to one-thirty a.m. of the following day.

(b) No performer shall perform within sixty feet of any special event authorized by the City unless the special event encompasses one or more City blocks in which case the performance shall be conducted according to any administrative guidelines which shall be adopted by the City.

(c) No performer shall:

(1) Perform on the Third Street Promenade in any specific location or within one hundred twenty feet of that location as measured in a north/south direction, for more than two hours in any six hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision and subdivision (2) of this subsection (c).

(2) Perform on the Third Street Promenade on an even hour at the same location that he or she was performing on the preceding hour, or within one hundred twenty feet of that location as measured in a north/south direction.

(3) Perform on the Transit Mall in any specific location or within one hundred twenty feet of that location as measured in an east/west direction, for more than two hours in any six hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision and subdivision (4) of this subsection (c).

(4) Perform on the Transit Mall on an even hour at the same location that he or she was performing on the preceding hour, or within one hundred twenty feet of that location as measured in an east/west direction.

(5) Perform within ten feet of a vendor operating pursuant to or under the authority of an approved license agreement or within forty feet of any other vendor or performance.

(6) Perform on the Transit Mall at a distance greater than five feet from the outer wall of any building or any permanent extension of the building such as a planter box.

(7) Perform on the Santa Monica Boulevard segment of the Transit Mall within twenty feet of the Third Street Promenade. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 7, adopted 7/20/99; Ord. No. 1959CCS § 3, adopted 10/12/99; Ord. No. 2009CCS § 2, adopted 5/22/01; Ord. No. 2028CCS § 2, adopted 11/13/01; Ord. No. 2047CCS § 4, adopted 7/9/02; Ord. No. 2075CCS § 2, adopted 5-13-03)

### **6.112.060 Special regulations for the Pier.**

In addition to the requirements of Sections 6.112.030 and 6.112.040, no performer shall perform on the Pier outside of an enclosed building in violation of the following requirements:

(a) Except as provided in subsection (d) of this Section and subsection (q) of Section 6.112.030, no performer shall perform except during the following time periods:

- (1) Eight a.m. Monday through Thursday to one a.m. of the following day.
- (2) Eight a.m. on Friday to one a.m. the following Saturday.
- (3) Nine a.m. on Saturday and Sunday to one a.m. of the following day.

(b) No performer shall perform within sixty feet of any special event authorized by the City.

(c) No performer shall:

- (1) Perform after one p.m. at the same location that he or she was performing prior to one p.m. or within one hundred fifty feet of that location.
- (2) Perform after four p.m. at the same location that he or she was performing prior to four p.m. or within one hundred fifty feet of that location.
- (3) Perform after seven p.m. at the same location that he or she was performing prior to seven p.m. or within one hundred fifty feet of that location.
- (4) Perform on the Pier in any specific location or within one hundred fifty feet of that location for more than three hours in any six-hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision.
- (5) Perform within fifty feet of any other performance or any vendor when performing in the General Performance Area.
- (6) Perform within thirty-five feet of any other performance or any vendor when performing in the Center Performance Area or the Breezeway Performance Area.
- (7) Perform at a distance greater than ten feet from the north railing of the Pier when performing in the Center Performance Area.
- (8) Perform at a distance greater than ten feet from the north or south railings of the Pier when performing in the Breezeway Performance Area.
- (9) Perform at a distance greater than seven and one-half feet in either an east or west lateral direction from one of the stars that the City has painted on the Pier surface to effectuate the spacing requirements of this Section and to ensure that the maximum number of performance locations are provided consistent with spacing requirements. A lottery or voucher system may be implemented to allocate performance locations and ensure that all performers participating therein have a fair and equal opportunity to perform or obtain preferred performance locations. At the times that a lottery or voucher system is implemented, the distance requirement of subsection (c)(1) through (4) of this Section shall not apply. Administrative regulations may be established by the City to specify additional requirements, including the conduct and timing of the lottery or voucher system, the maximum time period and location in advance of the lottery or voucher distribution that the performers can line up, and the duration of the permit, consistent with the

provisions of this subsection (c)(9) of this Section and any other relevant provisions of the Municipal Code.

(10) Fail or refuse to comply with the City's administrative regulations.

(11) Disrupt or impede the City's operation of the lottery.

(d) Notwithstanding subsection (a) of this Section, no performer shall perform in the General Performance Area, which is adjacent to the Carousel Building, except during the following time periods:

(1) Eight a.m. to ten p.m. Monday through Thursday.

(2) Eight a.m. to twelve a.m. (midnight) on Friday.

(3) Nine a.m. to twelve a.m. (midnight) on Saturday.

(4) Nine a.m. to ten p.m. on Sunday. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 8, adopted 7/20/99; Ord. No. 1959CCS § 4, adopted 10/12/99; Ord. No. 2017CCS § 1, adopted 7/24/01; Ord. No. 2028CCS § 3, adopted 11/13/02; Ord. No. 2047CCS § 5, adopted 7/9/02; Ord. No. 2075CCS § 3, adopted 5-13-03; Ord. No. 2145CCS § 2, adopted 11/23/04; Ord. No. 2451CCS § 2, adopted 12/10/13)

#### **6.112.070 Penalties.**

The following penalties shall be established for violations of this Chapter:

(a) Except as provided in subsections (b) and (c) of this Section, any person violating this Chapter shall be guilty of an infraction, which shall be punishable by a fine of not less than one hundred dollars, but not exceeding two hundred fifty dollars per violation.

(b) Any person violating Sections 6.112.030(c), 6.112.030(f), 6.112.030(g), 6.112.030(l), 6.112.030(q), 6.112.050(a), 6.112.050(c)(5), 6.112.060(a), 6.112.060(c)(5), or 6.112.060(d), or any successor legislation thereto, shall be guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Any person performing without a performance permit as required by Section 6.112.030(b) shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(d) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.

(e) **Nonexclusive Remedies and Penalties.** The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 9, adopted 7/20/99; Ord. No. 1959CCS § 5, adopted 10/12/99; Ord. No. 2028CCS § 4, adopted 11/13/02; Ord. No. 2047CCS § 6, adopted 7/9/02; Ord. No. 2075CCS § 4, adopted 5-13-03; Ord. No. 2145CCS § 3, adopted 11/23/04; Ord. No. 2337CCS § 3, adopted 12/14/10)

#### **Chapter 6.116 Special Promenade, Transit Mall, and Pier Regulations.**

##### **6.116.010 Use of a table or cart on the Promenade, the Transit Mall, and the Pier.**

Except as otherwise authorized by this Code, no person on the Third Street Promenade, the Transit Mall, or the Pier shall display or distribute goods, written materials, merchandise, food, or any other items from

any device or structure except on or from a portable table or cart utilized in accordance with the following provisions:

(a) The table or cart shall be located:

- (1) In designated areas, as established by resolution of the City Council;
- (2) At least ten feet from the outer edge of any entrance of any business, including, but not limited to: doors, vestibules, driveways, outdoor dining entries, and emergency exits, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business on those premises;
- (3) At least ten feet from any bus stop;
- (4) At least ten feet from any street corner or a marked pedestrian crosswalk;
- (5) So that at least a four-foot contiguous sidewalk width is kept clear for pedestrian passage;
- (6) So that a curb cut is not blocked or obstructed;
- (7) At a distance no greater than ten feet from the north railing of the Pier when located in the Center Performance Area;
- (8) At a distance no greater than ten feet from the north or south railings of the Pier when located in the Breezeway Performance Area;
- (9) Within ten feet of the outer edge of any entrance to any residence;
- (10) Within twenty feet of the outer edge of any stairs or ramp on the south side of the Pier;
- (11) Within ten feet of the outer edge of any roadway leading to the Pier;
- (12) On the wooden landing or wooden walkways immediately north of the Pier.

(b) The table or cart shall not be larger than four feet in width by eight feet in length by three feet in height.

(c) Except as provided in Section 6.116.080, no structures shall be attached to the table or cart. No other structure may be used to display the items. The display area, including the table or cart, shall be maintained in a neat and presentable manner. None of the items shall be displayed in an area other than upon the table or cart, including, but not limited to, in display racks on the sidewalks or in the hanging of the items from a building or fence or other structure. Any boxes or accessory items shall be stored entirely beneath the table or cart and shall not be stored or piled alongside of, behind, or in front of the table or cart. The items may be stacked on the table or cart, provided that each stack shall not exceed the height of twelve inches. Signs may be attached to the side of or on top of the table or cart. No signs may extend higher than the top of the table or cart and no signs may be affixed to City facilities. The site shall be kept clean and all rubbish shall be deposited in proper receptacles regularly during the day and prior to departing the site each day.

(d) The table, cart, and all of the person's other items shall be capable of being transported and removed all at once within three minutes.

(e) Any person vending pursuant to Section 6.36.030(f), or any successor provision, shall be limited to two chairs. The chairs may be placed behind or next to (but not in front of) the cart or table. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 1949CCS § 10, adopted 7/20/99; Ord.

No. 2028CCS § 5, adopted 11/13/02; Ord. No. 2047CCS § 7, adopted 7/9/02; Ord. No. 2075CCS § 5, adopted 5-13-03; Ord. No. 2145CCS § 4, adopted 11/23/04; Ord. No. 2337CCS § 4, adopted 12/14/10)

**6.116.030 Allowable noise levels on Promenade and Transit Mall.**

Individuals and businesses shall comply with all of the following noise levels and standards of this Section:

- (a) The following maximum noise level (Lmax) shall apply on the Third Street Promenade and the Transit Mall during the times indicated:

	<b>Time</b>	<b>Maximum Noise Level (Lmax)</b>
Mon-Fri	9 a.m.-7:00 p.m.	75 dBA*/97 dBA**
Mon-Thurs	7 p.m.-10:30 p.m.	85 dBA*/107 dBA**
Friday	7 p.m.-midnight	85 dBA*/107 dBA**
Saturday	9 a.m.-midnight	85 dBA*/107 dBA**
Sunday	9 a.m.-10:30 p.m.	85 dBA*/107 dBA**
Sat/Sun	12:01 a.m.-1:30 a.m.	65 BA*/87 dBA**

- \* When measured at a minimum distance of twenty-five feet from the source of the noise.
- \*\* When measured at a minimum distance of one foot from the source of the noise.

At all other times, the City-wide noise standards as reflected in Chapter 4 of this Code shall apply except the Lmax standard shall provide the basis for measuring the dBA level.

(b) No person or group shall create any noise, or allow the creation of any noise on the Third Street Promenade or Transit Mall which causes the noise level to exceed the Lmax standard established in this Section.

(c) No business on the Third Street Promenade shall utilize any speaker or sound reproduction system at a volume that can be heard inside the premises of another building or structure while the doors and windows to the premises are closed.

(d) No person shall interfere with or resist the taking of any noise measurement authorized by this Section.

(e) No person shall use a speaker on a public sidewalk, street, or right-of-way unless it is placed on the ground and is no more than three feet in height.

(f) Amplified sound shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 2009CCS § 3, adopted 5/22/01; Ord. No. 2047CCS § 8, adopted 7/9/02; Ord. No. 2075CCS § 6, adopted 5-13-03; Ord. No. 2145CCS § 5, adopted 11/23/04; Ord. No. 2337CCS § 5, adopted 12/14/10)

**6.116.050 Exemptions.**

The requirements of this chapter, except for noise standards, shall not apply to City approved special events which have been reviewed by the police and fire departments to ensure that all necessary public safety measures have been imposed as a condition of approving the event and to any vendor operating pursuant to or under the authority of an approved license agreement. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 1949CCS § 15, adopted 7/20/99; Ord. No. 1959 CCS § 8, adopted 10/12/99)

**6.116.060 Special regulations for vendors on the Third Street Promenade and Transit Mall.**

No person authorized to vend pursuant to Section 6.36.030(f) and (g), or any successor legislation, may on the Third Street Promenade or the Transit Mall:

(a) Vend on the Third Street Promenade in any specific location, or within one hundred twenty feet of that location as measured in a north/south direction, for more than a two-hour period in any six-hour period. The time required to set up and to remove equipment and material for vending shall be considered part of the time limit established by this subsection and subsection (b) of this Section;

(b) Vend on the Third Street Promenade on an even hour at the same location that he or she was vending on the preceding hour, or within one hundred twenty feet of that location as measured in a north/south direction;

(c) Vend on the Transit Mall in any specific location, or within one hundred twenty feet of that location as measured in an east/west direction, for more than a two-hour period in any six-hour period. The time required to set up and to remove equipment and material for vending shall be considered part of the time limit established by this subsection and subsection (d) of this Section;

(d) Vend on the Transit Mall on an even hour at the same location that he/she was vending on the preceding hour, or within one hundred twenty feet of that location as measured in an east/west direction;

(e) Vend within ten feet of a vendor operating pursuant to or under the authority of an approved license agreement or within forty feet of any other vendor or performer;

(f) Vend those items authorized by Section 6.36.030(g), or any successor legislation, unless that person is also performing pursuant to Chapter 6.112, the item vended is representative of the work being created during the performance, and no more than five such items are displayed at any one time. A performer / vendor may display these items from a table or cart, the performer/vendor's instrument case, or attached to an easel which is used as part of the performance. If a performer/vendor displays items from a table or cart, all other requirements specified in Section 6.116.010 shall apply except that the performer/vendor shall be limited to utilizing one table or cart of a size not larger than four feet in width by four feet in length by three feet in height. Other Federal, State, and local laws may apply to this activity and to sales, including, without limitation, local, State and Federal tax laws. It is each performer's sole responsibility to ensure that he or she is familiar with and complies with such laws;

(g) Vend on the Transit Mall at a distance greater than five feet from the outer wall of any building or any permanent extension of the building such as a planter box. (Added by Ord. No. 1949CCS § 12, adopted 7/20/99; amended by Ord. No. 1959CCS § 6, adopted 10/12/99; Ord. No. 2028CCS § 7, adopted 11/13/02; Ord. No. 2047CCS § 9, adopted 7/9/02; Ord. No. 2075CCS § 7, adopted 5-13-03; Ord. No. 2145CCS § 6, adopted 11/23/04; Ord. No. 2337CCS § 6, adopted 12/14/10)

**6.116.070 Special regulations for vendors on the Pier.**

No person authorized to vend pursuant to Sections 6.36.030(f) and 6.36.030(g), or any successor legislation, may on the Pier:

(a) Vend within fifty feet of any other vendor or performer when performing in the General Performance Area.

(b) Vend after 4:00 p.m. at the same location that he/she was vending prior to 4:00 p.m. or within one hundred fifty feet of that location.

(c) Vend those items authorized by Section 6.36.030(g), or any successor legislation, unless that person is also performing pursuant to Chapter 6.112, the item vended is representative of the work being created

during the performance, and no more than five such items are displayed on the table or cart at any one time. All other requirements specified in Section 6.116.010 shall apply except that the performer/vendor shall be limited to utilizing one table or cart of a size not larger than four feet in width by four feet in length by three feet in height.

(d) Vend at a distance greater than ten feet from the north railing on the Pier when located in the Center Performance Area.

(e) Vend at a distance greater than ten feet from the north or south railings of the Pier when located in the Breezeway Performance Area.

(f) Vend at a distance greater than seven and one-half feet in either an east or west lateral direction from one of the stars that the City has painted on the Pier surface to effectuate the spacing requirements of this Section. (Added by Ord. No. 1949CCS § 13, adopted 7/20/99; amended by Ord. No. 1959CCS § 7, adopted 10/12/99; amended by Ord. No. 2017CCS § 3, adopted 7/24/01; amended by Ord. No. 2028CCS § 8, adopted 11/13/02; Ord. No. 2047CCS § 10, adopted 7/9/02; Ord. No. 2075CCS § 8, adopted 5-13-03; Ord. No. 2145CCS § 7, adopted 11/23/04)

### **6.116.080 Placements, installation or erection of objects on the Promenade, the Transit Mall and the Pier.**

No person shall place, install or erect objects on the Promenade, the Transit Mall, or the Pier which may block sight views, impede traffic or collapse, such as sandwich board signs ("A" frames), canopies, umbrellas, screens, large inflatables, tents, and similar objects unless such objects are placed, installed or erected pursuant to a street use permit, license, or other City-issued authorization which protects public safety. (Added by Ord. No. 2145CCS § 8, adopted 11/23/04)

### **6.116.090 Penalties.**

The following penalties shall be established for violations of this Chapter:

(a) Except as provided in subsection (b) of this Section, any person violating this Chapter shall be guilty of an infraction, which shall be punishable by a fine of not less than one hundred dollars, but not exceeding two hundred fifty dollars per violation.

(b) Any person violating Sections 6.116.010(a)(1), 6.116.010(b), 6.116.010(c), 6.116.010(d), 6.116.030(b) after midnight, 6.116.060(f) or 6.116.070(c), or any successor legislation thereto, shall be guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.

(d) Nonexclusive Remedies and Penalties. The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Added by Ord. No. 1949CCS § 14, adopted 7/20/99; amended by Ord. No. 2028CCS § 9, adopted 11/13/02; Ord. No. 2047CCS § 11, adopted 7/9/02; Ord. No. 2075CCS § 9, adopted 5-13-03; Ord. No. 2145CCS § 9, adopted 11/23/04; Ord. No. 2337CCS § 7, adopted 12/14/10)

### **3.12.370 Leaving or placing property, or other items on sidewalks, streets, streetscape, or public buildings.**

Except as otherwise permitted by this Code or City contract, no person shall upon any public sidewalk, street, right-of-way, streetscape, public building, or other public facility:

(a) Leave any property or other item unattended for a period of longer than ten minutes;

(b) Place any property or other item(s) unless the item(s) can promptly and safely be transported or removed all at once within three minutes.

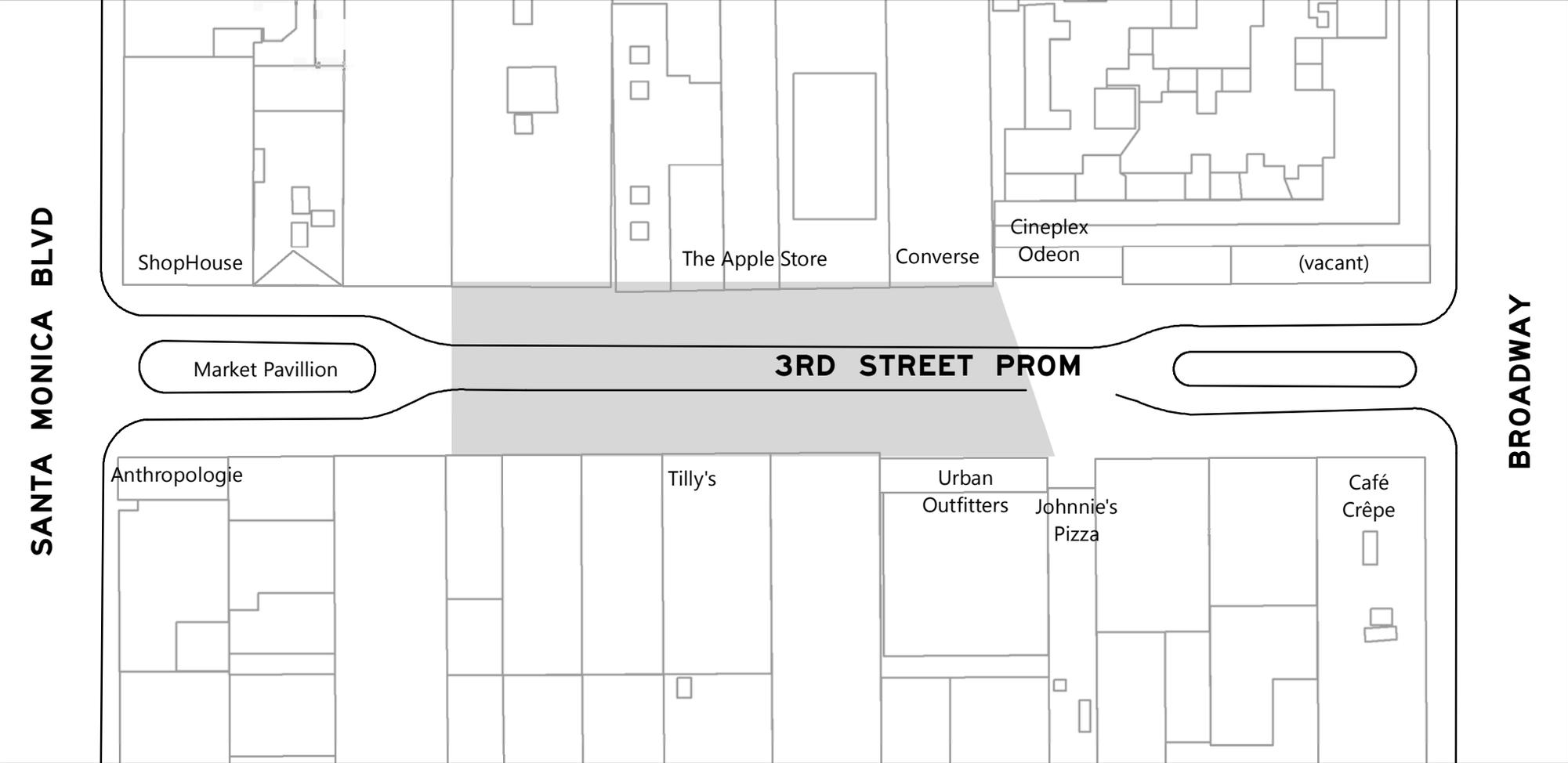
(c) Any person violating subsection (a) or (b) of this Section shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment; or shall be guilty of an infraction, which shall be punishable by a fine of not less than one hundred dollars but not more than two hundred fifty dollars. (Prior code § 3335; amended by Ord. No. 2047CCS § 13, adopted 7/9/02; Ord. No. 2075CCS § 11, adopted 5/13/03; Ord. No. 2145CCS § 10, adopted 11/23/04; Ord. No. 2335CCS § 1, adopted 12/14/10; Ord. No. 2337CCS § 9, adopted 12/14/10)

**Chapter 3.74.010 Sexual offense against a minor.**

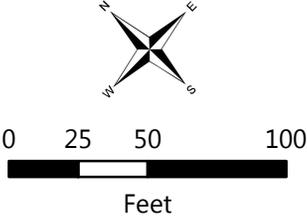
No individual who has been convicted of a sexual offense against a minor shall perform or display or distribute goods, written materials, merchandise, food, or any other items or engage in any other similar activity on public property to entice a minor to congregate around that person.

# Designated Performance Zones

## Third Street Promenade - 1400 Block

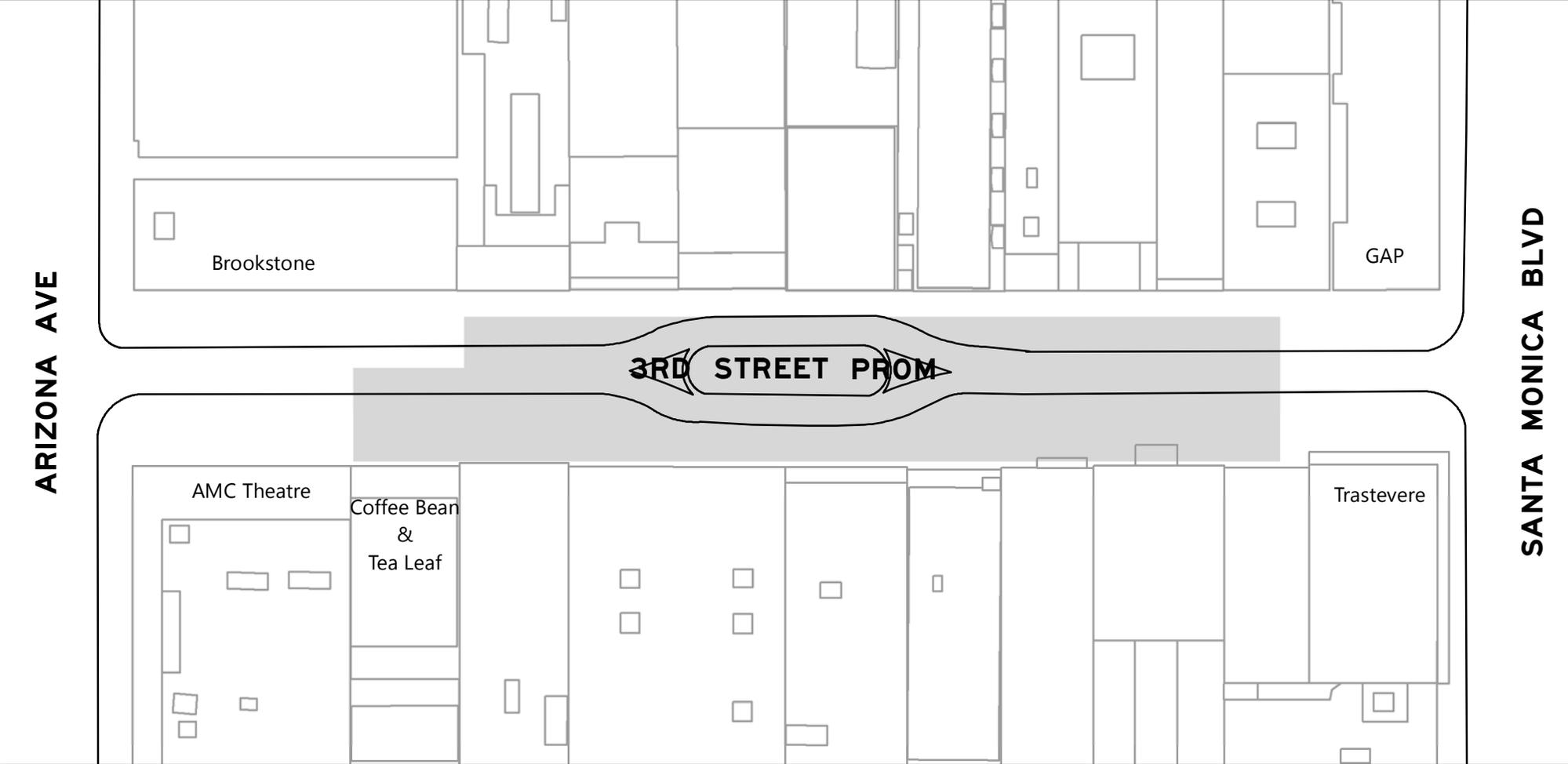


-  General Performance Area
-  Breezeway Performance Area
-  Center Performance Area

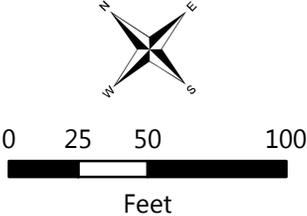


# Designated Performance Zones

## Third Street Promenade - 1300 Block

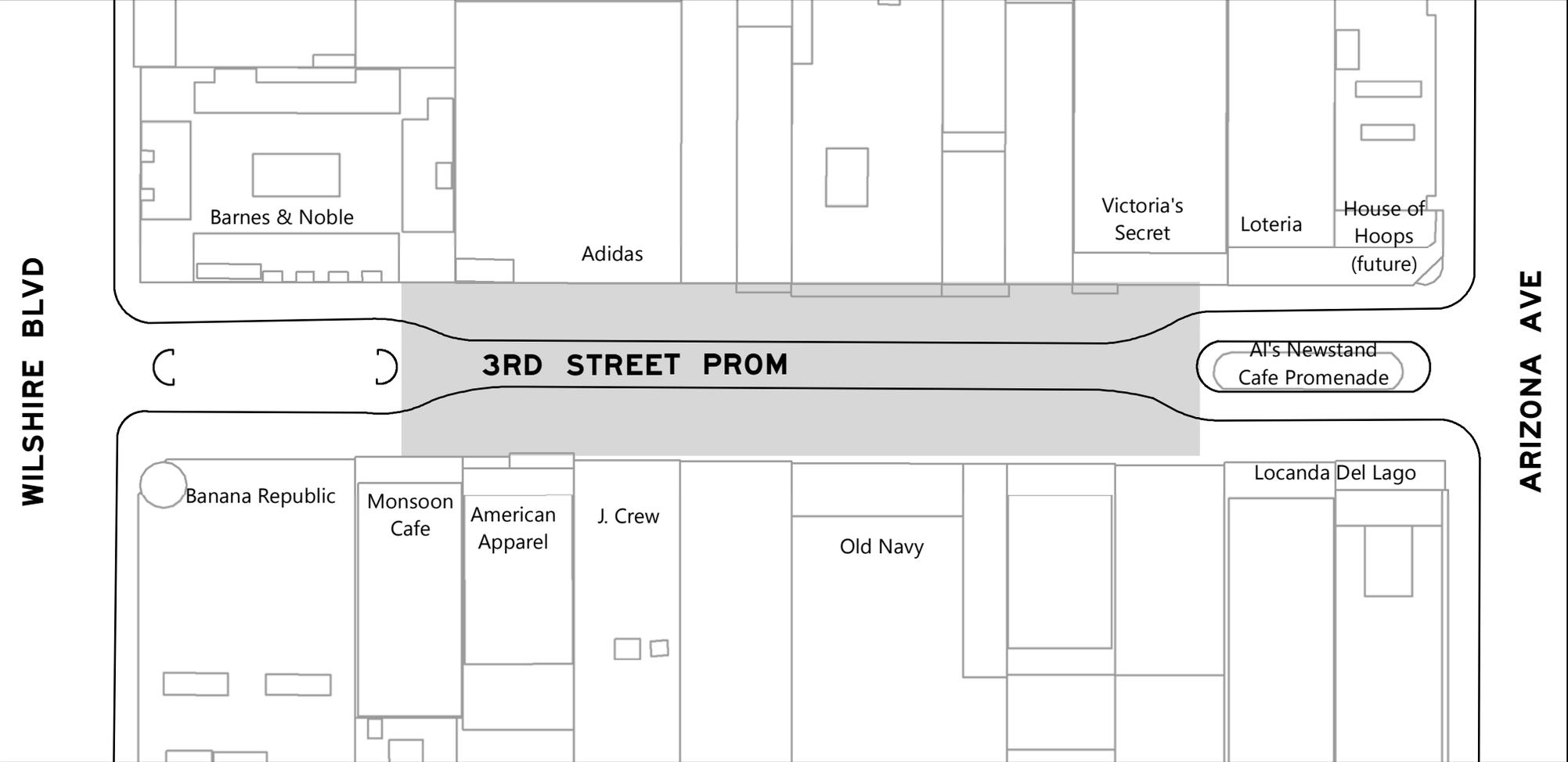


-  General Performance Area
-  Breezeway Performance Area
-  Center Performance Area

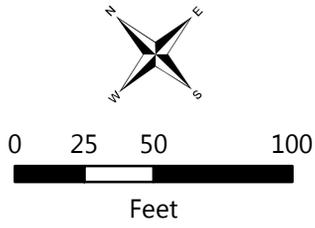


# Designated Performance Zones

## Third Street Promenade - 1200 Block

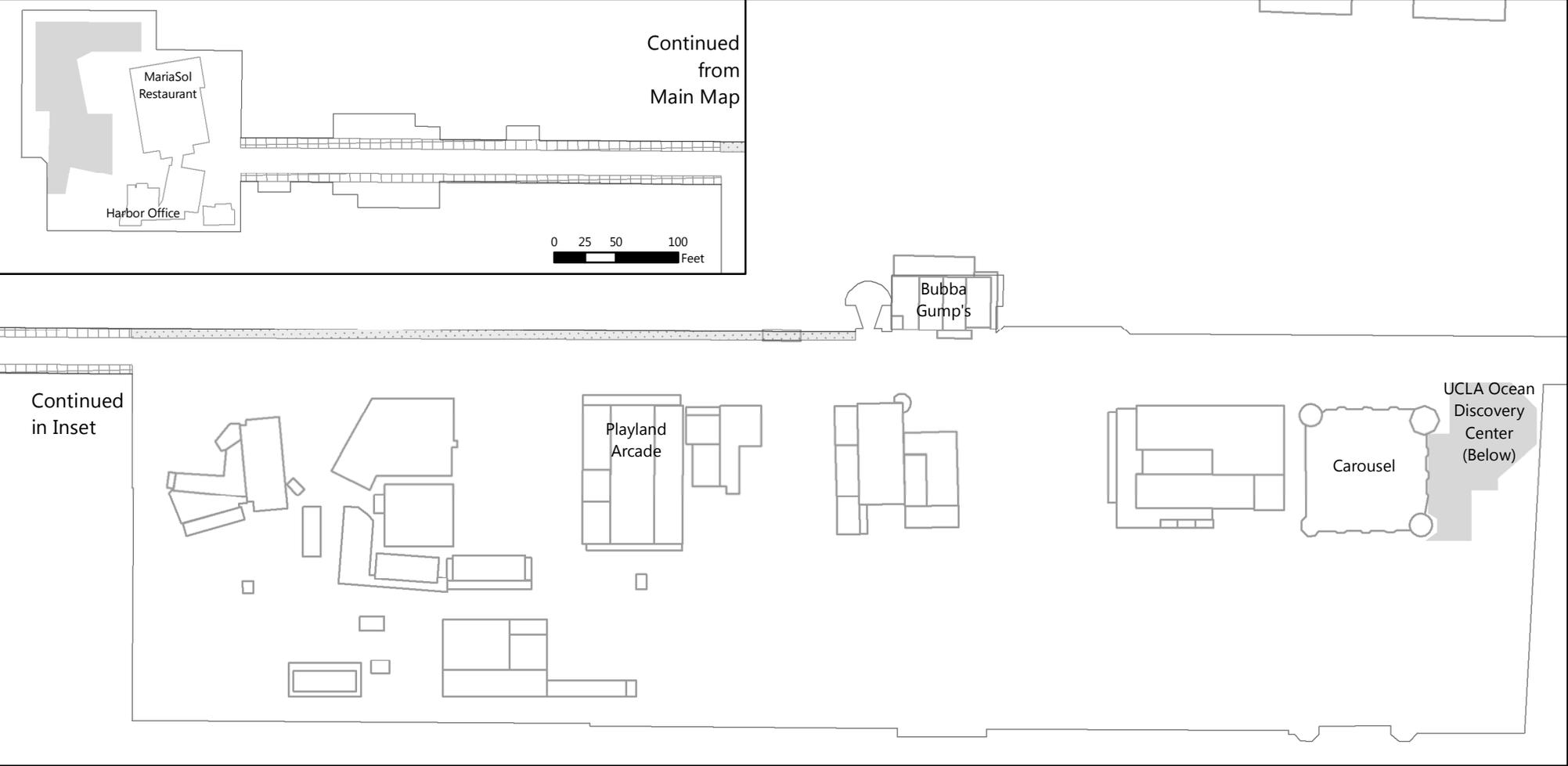


- General Performance Area
- Breezeway Performance Area
- Center Performance Area



# Designated Performance Zones

## Santa Monica Pier



-  General Performance Area
-  Breezeway Performance Area
-  Center Performance Area

