

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
ADDING CHAPTER 8.75 OF THE HUNTINGTON BEACH MUNICIPAL  
CODE RELATING TO STREET PERFORMERS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 8.75.010 of the Huntington Beach Municipal Code is hereby added to read as follows:

**8.75.010 Purpose:** The City finds that the existence in the City of street performers provides, for some, a public amenity that enhances their enjoyment in, and character of, the City in a manner consistent with the overall public interest. The City also recognizes that street performers seek to and do draw crowds to their performance. Doing so can create conflicts in the use and enjoyment of public areas by impacting the ability of pedestrians to move freely and safely on the sidewalks and through crosswalks, by blocking and impeding vehicular traffic on City streets, by impacting pedestrians' ability to enter and exit various businesses, and impacting public safety personnel in responding to calls for service. Recognizing that street performers are engaged in First Amendment activities, and, the difficulty of striking and maintaining a balance between these open competing interests has been increased by changing conditions in the City, changing activities undertaken by street performers in public areas, this chapter imposes reasonable time, place and manner regulations. The regulations are for the public health, safety and welfare to ensure the safety of performers, their audience, and the general public, to prevent unreasonable interference with the public's use and enjoyment of public areas, to allow residents' enjoyment of peace and quiet in their homes, and the ability of businesses to operate and conduct their business.

SECTION 2. Section 8.75.020 of the Huntington Beach Municipal Code is hereby added to read as follows:

**8.75.020 Definitions:** For purposes of this chapter, the following words and phrases shall have the meaning set forth unless a different meaning is clearly intended from the context in which such word or phrase is used. Any word or phrase not defined herein shall have the meaning attributed to it in ordinary usage.

- (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) **PERFORM.** To engage in a performance including, but not limited to, playing musical instruments, singing, dancing, acting, pantomiming, puppeteering or juggling.

(c) PERFORMER. An individual or group who performs public entertainment in a public area for tips or gratuities.

(d) PUBLIC AREAS. Sideways, streets, parkways, walkways and all other public spaces located in the City.

SECTION 3. Section 8.75.030 of the Huntington Beach Municipal Code is hereby added to read as follows:

**8.75.030 Rules and Regulations:**

(a) Notwithstanding any other provision of this code, 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 other 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 within those premises.

(b) 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/her equipment, but shall not prevent the performer from occupying another location.

(c) A performer who performs for a charge shall obtain a business license and be subject to all applicable provisions of Chapter 5.08. A performer who performs without charge shall not be required to obtain a business license.

(d) 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.

- (e) No performer shall use any knife, sword, torch, flame, axe, saw or other object that can cause serious bodily injury to any person.
- (f) 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 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 or damage or mark any public property.
- (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/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 continuous 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 or remove at one time.
- (m) No performer shall leave his/her instruments, props, equipment, merchandise, or other items unattended.
- (n) No performer shall perform in contravention of the allowable noise levels established by Chapter 8.40 of this code.
- (o) No performer shall block or obstruct a curb cut.
- (p) No performer shall perform after 11 p.m. or before 8 a.m.

SECTION 4. This ordinance shall become effective 30 days after its adoption.

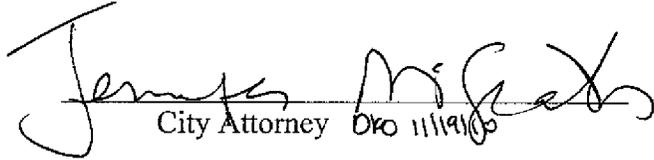
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

  
City Attorney 010 11/19/00

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

  
\_\_\_\_\_  
Chief of Police

1-13-11