

Chapter 14.38

SIDEWALK ENTERTAINERS AND ARTISTS

14.38.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

- A. Salt Lake City ordinances prohibit the conduct of any business or the sale of any goods or merchandise from any stand or structure upon certain streets or sidewalks of the city; however, the city has by ordinance provided for certain exceptions to the foregoing prohibition, including exceptions for sidewalk vending carts, sidewalk sales by abutting businesses, and newsracks;
- B. It is in the public interest to enliven and increase the presence of the arts and create a festive atmosphere in certain downtown and other commercial areas, and in larger city parks, by encouraging artists to express themselves on certain city sidewalks and in certain larger city parks;
- C. It is in the public interest to encourage artists to display or perform their artwork on certain city sidewalks and in larger city parks, to provide opportunities for these artists to fully express themselves, and to provide greater opportunities for the public to experience such artwork;
- D. It is in the public interest to encourage and promote the community of artists who desire to display or perform their artwork on certain city sidewalks and in larger city parks;
- E. It is in the public interest that the first amendment rights of artists be advanced by allowing them to display or perform their artwork on certain city sidewalks and in larger city parks, subject to reasonable time, place, and manner regulations governing such displays or performances;
- F. The city has an obligation to the general public to provide reasonable access to and use of city open space and to provide reasonably unobstructed passage over the public ways in a clean, safe, and orderly manner;
- G. The primary purpose of public sidewalks is for the passage of pedestrians from one point to another;
- H. The city has established various zoning districts within the city in recognition of the differing character, nature and use of specific areas of the city, and it is in the public interest, both for citizens and artists, to concentrate artists in those districts where their activities would be most compatible with the primary character, nature and use of the district; it is in the public interest to concentrate artists primarily in the downtown, gateway and Sugar House commercial districts because these districts

are specifically designed to accommodate larger crowds and allow for the safer display or performance of artwork; it is in the public interest to exclude artists from those areas that are primarily residential or industrial, contain only small scale or neighborhood commerce (e.g., section 21A.26.020, "CN Neighborhood Commercial District" and [21A.26.030](#), "CB Community Business District", of this code), are intended to serve primarily the automobile driving consumer (e.g., sections 21A.26.040, "CS Community Shopping District" and [21A.26.050](#), "CC Corridor Commercial District", of this code), or are otherwise unsuited for the display or performance of artwork as the presence of artists on the public sidewalks and parking strips in these areas is likely to: 1) result in greater pedestrian and/or traffic congestion; 2) threaten the public health, safety, and welfare of the citizenry; 3) create visual blight or impact the aesthetic value of the communities; 4) impact access to and egress from businesses and residential areas; 5) block sight easements to businesses and residential areas; 6) prevent the free flow of vehicular and pedestrian traffic; 7) impede the response time of safety personnel; 8) intrude upon the look, feel and quiet enjoyment of a neighborhood; 9) hinder or interfere with the business of local merchants who provide an important tax base for the city; or 10) force citizens to be exposed to unwanted, unwelcome and unsolicited messages or noise with no avenue of escape;

- I. The city has a history of issuing permits for special events and free expression activities in the city's parks, including some parks that are nine (9) acres or less in size, and it is in the public interest to continue to allow special events and free expression activities in those parks as provided by [title 3, chapter 3.50](#) of this code; it is also in the public interest, however, to otherwise exclude artists not obtaining such permits from those city owned parks that are nine (9) acres or less in size, as those city parks are located primarily in residential areas (or areas intended by the city zoning ordinances to become residential areas), and are intended to serve and do serve primarily as family and recreational activity centers where citizens can enjoy the peace, quiet, and tranquility of the city's open space; the presence of artists in these smaller city parks on an ongoing and unregulated basis and without a permit to hold a special event or free expression activity is inconsistent with these purposes; the city's larger parks are more amenable to the display or performance of artwork without a permit to hold a special event or free expression activity; limiting artists to the larger parks or to the boundaries of short term, permitted special event or free expression activity under [title 3, chapter 3.50](#) of this code will better accommodate the competing interests of artists and those wishing to enjoy the peace, quiet and tranquility of the city's parks;
- J. It is in the public interest to promote special events and free expression activities, to ensure that those participating or visiting such special events and free expression activities are allowed to do so peacefully and without undue interference, to ensure that those desiring to participate or visit such special events and free expression activities enjoy free and unimpeded ingress and egress to and from such special events and free expression activities, and that the speech or expressive activity of third parties not actually involved with the special event or free expression activity is

not unduly confused with the speech or expressive activity of those organizing, participating or visiting the special event or free expression activity;

- K. Special events require efficient ingress and egress of event patrons, and patrons should be protected from having to enter into roadways or streets as they line up to enter a special event if passage to a special event is blocked;
- L. While it is in the public interest to protect the first amendment rights of artists to display or perform their artwork for sale or compensation, it is also in the public interest to require those artists wishing to display or perform their artwork for sale or compensation to register with the city and pay a nominal fee as such registration will allow the city to better monitor this commercial activity, enforce generally applicable commercial and business ordinances that may apply to such commercial activity, and protect the consuming public; these public interests do not apply to artists who display or perform their artwork for free; and
- M. The above strong significant governmental interests compete with public and private interests in freedom of expression, the personal and commercial interests of entertainers and artists, the personal and commercial interests of the city's merchants, and the interest of the general public to use and enjoy city property; the city therefore desires, through the following reasonable time, place, and manner regulations, to balance those competing interests and protect the health, safety, and welfare of the citizens and visitors to the city, preserve the quality of life of city residents and business owners alike, preserve the property values and character of neighborhoods surrounding city owned property, support the local merchant economies, and provide artists with opportunities to exercise their constitutional rights to display and perform their artwork on certain city sidewalks or in larger city parks. (Ord. 25-04 § 1, 2004)

14.38.020: TITLE:

This chapter may be referred to as the *SALT LAKE CITY SIDEWALK ENTERTAINMENT AND ART DISPLAYS ORDINANCE*. (Ord. 25-04 § 1, 2004)

14.38.030: DEFINITIONS:

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

ART: A type of expressive activity, often characterized by pictorial or visual display: a) that is intended to convey particular ideas, concepts, opinions, emotions, points of view, or other messages and b) for which there is a reasonable likelihood that those who view it will understand it to convey such communicative elements or messages. "Art" includes, for example, paintings, drawings, photography, sculptures, etchings, and live

entertainment. "Art" may also include T-shirts and other clothing items, baskets, jewelry, and other similar craft items where such items incorporate communicative elements or contain messages. "Art" does not include mere commercial merchandise not itself inextricably intertwined with some communicative element or not intended and reasonably understood to convey a message such as the following: items that are mass produced primarily for commercial sale, vials of fragrant oils, prayer beads, fashion bracelets and other nonexpressive jewelry items, nonmessage bearing T-shirts or other clothing items, playing cards, collectibles (e.g., Olympic pins and plates), souvenirs (e.g., shot glasses and pens), balloons, or food or other items intended primarily for human consumption.

ARTIST: A sidewalk entertainer or a sidewalk artist.

AVAILABLE CITY PROPERTY: A. Sidewalk and park strips. Portions of publicly owned sidewalks and park strip areas within the following commercially zoned districts (but excluding landscaped areas in the middle of any public street):

1. Section [21A.26.060](#), "CSHBD Sugar House Business District", of this code;
2. Section [21A.30.020](#), "D-1 Central Business District", of this code;
3. Section [21A.30.030](#), "D-2 Downtown Support District", of this code;
4. Section [21A.30.040](#), "D-3 Downtown Warehouse/Residential District", of this code;
5. Section [21A.30.045](#), "D-4 Downtown Secondary Central Business District", of this code; and
6. Section [21A.31.020](#), "G-MU Gateway-Mixed Use District", of this code;

B. Larger city parks. Areas specifically designated by the director of public service, in accordance with subsection [14.38.050B](#) of this chapter, within those city operated parks (not necessarily limited to those parks identified in [title 15, chapter 15.04](#) of this code) that are larger than nine (9) acres;

C. Library plaza. Any area or areas within the library plaza specifically designated by the director of public services in accordance with subsection [14.38.050B](#) of this chapter; and

D. Washington Square.

DISPLAY: Includes any display of art, whether or not for sale or compensation.

DOWNTOWN LIBRARY BLOCK: The city block bounded by 200 East Street, 400 South Street, 300 East Street, and 500 South Street.

ENTERTAINMENT: Includes, but is not necessarily limited to, the following activities when performed for the general public: acting, singing, playing musical instruments, pantomiming, juggling, performing magic, dancing, reading, puppetry, sidewalk art (i.e., working with nonpermanent, water soluble media, such as chalk, pastels or watercolors directly on the pavement) and reciting.

LIBRARY PLAZA: The outdoor areas on the downtown library block.

PERFORM: Includes performing entertainment for the general public, with or without charge.

SIDEWALK ART: Works of art displayed upon publicly owned property.

SIDEWALK ARTIST: Any person who displays sidewalk art.

SIDEWALK ENTERTAINER: A person, or group of persons together, who perform(s) sidewalk entertainment.

SIDEWALK ENTERTAINMENT: Entertainment performed or provided by a person or group of persons together upon publicly owned property. (Ord. 25-04 § 1, 2004)

14.38.040: DISPLAYS AND PERFORMANCES ALLOWED ONLY IN SPECIFIED AREAS:

Subject to sections [14.38.050](#), [14.38.060](#) and [14.38.070](#) of this chapter, sidewalk art may be displayed, and sidewalk entertainment may be performed, only upon available city property. It is unlawful to display sidewalk art or to perform sidewalk entertainment on publicly owned sidewalks, park strip areas, city operated parks, or other areas of city property that do not constitute available city property. (Ord. 25-04 § 1, 2004)

14.38.050: LOCATION RESTRICTIONS:

- A. Sidewalk And Park Strips: No artist may perform sidewalk entertainment or display sidewalk art in any of the following places, even within available city property:
1. Within fifteen feet (15') of the intersection of a sidewalk with any other sidewalk, marked or unmarked crosswalk, or midblock crosswalk; displays shall not obstruct sightlines of motorists or pedestrians at crosswalks or intersections;
 2. Within the inner eight feet (8') of any sidewalk twelve feet (12') or greater in width, "inner" meaning as measured from the edge of the sidewalk farthest from the adjacent street or park strip;

3. Within the inner three-fourths ($\frac{3}{4}$) of the width of any sidewalk less than twelve feet (12') in width, but in no event nearer than six feet (6') from the inner edge of any sidewalk, "inner" meaning as measured from the edge of the sidewalk farthest from the adjacent street or park strip;
 4. Within eight feet (8') of an imaginary perpendicular line running from any building entrance or doorway to the curb line;
 5. Within eight feet (8') of any parking space or access ramp for persons with disabilities, fire lane, taxi zone, or loading zone;
 6. Within ten feet (10') of the boundary of any designated bus stop;
 7. Within eight feet (8') of any office window or display window;
 8. Within eight feet (8') of any fire hydrant;
 9. In the case of sidewalk artists, within one hundred feet (100') on the same linear block face of a door to any business or gallery displaying or selling artwork as its predominant business activity, whether or not for compensation, if that business has direct access to the city sidewalk; or
 10. In the case of sidewalk entertainers, within one hundred feet (100') on the same linear block face of a door to any business, theater, stadium, auditorium, or other place where entertainment is routinely performed, whether or not for charge, if that business has direct access to the city sidewalk.
- B. Larger Parks, The Library Plaza, And Washington Square: The director of public services shall designate areas within city operated parks larger than nine (9) acres, the library plaza, and Washington Square that shall constitute available city property. In making such designations the director of public services shall take into consideration the interests: 1) of providing artists reasonable opportunities for self-expression, 2) of providing reasonable opportunities for the public to experience the artists' work, 3) of the public to peaceably enjoy the city's parks, the library plaza, and Washington Square, and 4) of adequately maintaining park, library plaza, and Washington Square vegetation and properties. No artist may perform sidewalk entertainment or display sidewalk art within city operated parks larger than nine (9) acres, within the library plaza, or within Washington Square except within those areas designated by the director of public services under this section.
- C. Special Events And Free Expression Activities: No artist shall perform sidewalk entertainment or display sidewalk art within one hundred fifty feet (150') of any special event or free expression activity for which a permit has been issued under [title 3, chapter 3.50](#) of this code while such special event or free expression activity is occurring, if such special event or free speech activity involves, incorporates, promotes, includes, or contains art, artwork, or entertainment activity, unless such

artist has permission to do so from the sponsor of the special event or free speech activity. Such distance shall be measured from any boundary of the applicable permitted special event or free expression activity area. The one hundred fifty foot (150') restriction set forth in this subsection shall not apply in those instances in which fences, streets, hedges, bodies of water, or other natural or manmade barriers or obstacles are located between the artist and the special event or free expression activity such that there is no significant likelihood that an objective observer would reasonably believe that the artist is a participant in or a part of the special event or free expression activity. (Ord. 20-06 § 1, 2006: Ord. 60-04 § 1, 2004: Ord. 25-04 § 1, 2004)

14.38.060: SPACE RESTRICTIONS:

A. With respect to art displayed upon publicly owned sidewalks and/or park strip areas, including those areas located within available city property:

1. No artist may display sidewalk art directly on the surface of the sidewalk or ground, or on a blanket or board placed immediately on the sidewalk or ground or on top of a trash receptacle;
2. No artist's display of sidewalk art may exceed six feet (6') in height from ground level or six feet (6') in length;
3. The display of any sidewalk art may not be less than twenty four inches (24") above the sidewalk or ground if the display surface is parallel to the sidewalk or ground, and may not be less than twelve inches (12") above the sidewalk or ground if the display surface is vertical or slanted;
4. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon;
5. Nothing placed on the base of any display shall exceed the size limitations contained in this section;
6. No artist displaying sidewalk art shall use any area other than the area immediately beneath the surface of the display space for the storage of items for display; and
7. Nothing used by a sidewalk entertainer as a prop or aid in his or her performance shall exceed the size and other limitations set forth in this section or/and applicable to displays.

- B. No art displays, stands, props, or other equipment or structures may remain on property owned by the city or on city owned sidewalks between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M. (Ord. 25-04 § 1, 2004)

14.38.070: REGISTRATION REQUIRED:

It is unlawful for any artist, even on available city property, to place or maintain a display of art for sale or compensation, or to perform sidewalk entertainment for compensation, without first registering to sell sidewalk art or perform sidewalk entertainment on such property pursuant to the provisions of this chapter. (Ord. 25-04 § 1, 2004)

14.38.080: YEARLY REGISTRATION:

Any sidewalk artist or sidewalk entertainer desiring to use available city property for the sale of sidewalk art or performance of sidewalk entertainment for compensation shall, prior to any initial use and annually thereafter, submit the required registration form and registration fee as specified below. (Ord. 25-04 § 1, 2004)

14.38.090: REGISTRATION FORM:

Registrations to use available city property for the display or performance of art, for compensation, shall be made with the city's property manager upon a form provided by the property manager and shall include the following information:

- A. The name, address, and telephone number of the registrant;
- B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the registrant's entertainment or display;
- C. A description of the type of sidewalk art to be displayed for sale or sidewalk entertainment to be performed, including an explanation of the dimensions and layout of any display and a diagram, drawing, or other pictorial representation of any proposed display; and
- D. The length of time for which the registration is desired (not to exceed 12 months). (Ord. 25-04 § 1, 2004)

14.38.100: REGISTRATION FEE:

The registration form shall be accompanied by a registration fee in the amount of thirty dollars (\$30.00) to partially defray the city's cost of reviewing the registration form,

issuing the registration certificate, enforcing this chapter and otherwise recouping those maintenance, public health and safety, or other costs and expenses related to this chapter. (Ord. 25-04 § 1, 2004)

14.38.110: ISSUANCE OF REGISTRATION CERTIFICATE:

- A. The city's property manager shall issue a registration certificate upon receipt of a completed registration form and receipt of the registration fee in accordance with sections [14.38.090](#) and [14.38.100](#) of this chapter. The property manager shall provide a copy of each such issued registration certificate to the city's director of public services or his/her designee.
- B. Upon receipt of a registration form all departments required to review the registration form shall determine within three (3) business days whether or not the registration form is incomplete in items needed for processing. Incomplete registration forms shall immediately be returned to the registrant with a specification of the items that are incomplete.
- C. The time for processing registration forms as specified in this section shall begin to run from the receipt of a completed registration form, as amended by the applicant. Not more than three (3) business days after receipt of a fully completed registration form, the property manager shall either issue or deny the registration certificate, and shall notify, in writing, the registrant of such issuance or denial. If, within that time period, the property manager fails to notify the registrant of the denial of the registration certificate, the registration certificate shall be deemed to have been issued.
- D. The registrant may appeal the denial or revocation of a registration certificate by the property manager by filing with the mayor a written notice of appeal. The notice of appeal shall be filed within ten (10) days of receipt of written notice of denial or revocation of the registration certificate. The mayor or his/her designee may consider the appeal based upon the written submissions, or may, for good cause shown, hear oral evidence and argument. Any appeal shall be decided by the mayor or his/her designee within five (5) business days after receipt of the written notice of appeal. (Ord. 25-04 § 1, 2004)

14.38.120: HOLD HARMLESS:

Anyone using available city property for sidewalk entertainment or sidewalk art shall indemnify, defend, and hold the city and its officers and employees harmless for any loss or damage, including attorney fees, arising out of such use of such property. This obligation shall not extend to any claims of loss, damage, or injury sustained by any person or persons, to damage to property, or to expenses, including reasonable attorney fees, resulting from actions or omissions not within the artist's reasonable

control or to the acts or omissions to act by the city, its officers or employees, or other third persons. (Ord. 25-04 § 1, 2004)

14.38.130: SPECIAL EVENTS:

- A. The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing persons to conduct sidewalk entertainment, display sidewalk art, or conduct vending operations within such areas as the city may deem appropriate, as a part of a special event or free expression activity. Special event artists or sidewalk entertainers shall not be governed by this chapter, but shall be governed by [title 3, chapter 3.50](#) of this code or such other ordinance, city policy, or executive order as may be applicable. During such special event or free expression activity the city may require other sidewalk artists or sidewalk entertainers to relocate and perform or display art at another available location within available city property.
- B. The foregoing notwithstanding, and notwithstanding any provision of [title 3, chapter 3.50](#) of this code to the contrary, no special event or free expression activity shall be allowed within one hundred fifty feet (150') of any other special event or free expression activity for which a permit has been issued under [title 3, chapter 3.50](#) of this code while such special event or free expression activity is occurring, if both of such special events or free speech activities involve, incorporate, promote, include, or contain art, artwork, or entertainment activity, unless the sponsor of such special event or free speech activity has permission to do so from the sponsor of the other special event or free speech activity. Such distance shall be measured from the nearest boundaries of the applicable permitted special events or free expression activity areas. (Ord. 25-04 § 1, 2004)

14.38.140: RIGHTS GRANTED:

By allowing the use of city owned property for sidewalk entertainment or sidewalk art displays the city does not grant the user any property right or interest to or in any property owned by the city. The rights granted by this chapter are subject to the provisions of this chapter and other applicable laws. The sidewalk artist displaying sidewalk art shall be personally present at such display at all times when such sidewalk art is on display, except for thirty (30) minutes in every two (2) hour time period. (Ord. 25-04 § 1, 2004)

14.38.150: VIOLATION; REMOVAL:

If at any time the city determines that an artist's use of available city property or the display placed thereon is not in compliance with the requirements of this chapter or other applicable law, a civil notice of violation, as provided by [title 2, chapter 2.75](#) of this code, shall be issued to the artist by an authorized city official. If, after receipt of civil

notice of violation, an artist fails or refuses to remove any display in violation, the city may, after consultation with the city attorney or his/her designee, impound such display. Although prior notice of such impoundment shall not be required, the city shall take reasonable efforts to promptly notify the artist following the impoundment. The owner of any impounded display shall be responsible for the expense of removal and storage of such display. If the owner fails to reclaim the impounded display and pay the expenses of removal and storage within thirty (30) days after notice of impoundment, the display may be deemed unclaimed property and may be disposed of pursuant to law. If in subsequent proceedings on the underlying citation it is determined that the city made an error in impounding the display, the city shall, forthwith, at its own expense, replace the display at its location. This provision shall not be enforced in any way related to the content or expression of the material displayed, distributed, or performed by the artist. (Ord. 25-04 § 1, 2004)

14.38.160: EMERGENCY REMOVAL:

- A. Removal: If a city zoning inspector or the city police or fire department(s) determines that an artist's use of available city property or any display placed thereon constitutes an immediate physical threat to public life, safety, or health, the offending display may be removed by the city immediately, without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material displayed, distributed, or performed by the artist.
- B. Notice And Hearing: In the event of such an emergency removal the city shall immediately contact the artist, if known. The city shall inform the artist or the artist's representative of the removal and the reason(s) therefor. If requested by the artist, the city shall hold an expedited hearing before the city's property manager to determine whether or not the removed display constituted an immediate threat to the public's life, safety, or health. If the city's property manager determines that the display did not constitute such an immediate threat, the city shall forthwith, at its own expense, replace the display at its location.
- C. Appeal: The artist or the artist's representative may appeal any decision or order by filing with the mayor a written notice of appeal. Any such notice of appeal shall be filed in writing within five (5) days of the removal decision and shall specify the basis for the appeal. The mayor or his/her designee may consider the appeal based on the written submissions, or may, for good cause shown, also hear oral evidence and argument. Any appeal shall be decided by the mayor or his/her designee within two (2) business days. (Ord. 25-04 § 1, 2004)

14.38.170: PENALTIES:

Any violation of this chapter shall constitute a civil violation and shall be handled as provided by [title 2, chapter 2.75](#) of this code. The civil penalty for each such civil

violation shall be thirty dollars (\$30.00). Three (3) or more civil violations within a one year period shall constitute a misdemeanor. (Ord. 25-04 § 1, 2004)