



CHURCH STREET MARKETPLACE STREET ENTERTAINER RULES AND REGULATIONS

Welcome to the Church Street Marketplace's Street Entertainer program. We hope that these rules and regulations are both helpful and promote a positive experience for you and for our customers. Please feel free to ask questions.

STREET ENTERTAINMENT is defined as all entertainment performed on the Church St. Marketplace for remuneration, including but not limited to acting, singing, playing musical instruments without amplified sound, pantomime, juggling, magic, ballooning, dancing and reciting. Amplified sound and percussion are not permitted. Street entertainment does not include activities performed in connection with street events and parades given permits under the ordinances and regulations of the City.

AUDITIONS: In order to comply with the limit on the number of street entertainment licenses allowed to be issued pursuant to Code of Ordinances section 4-4 (c), auditions will be held to determine eligibility before a license is issued. Following auditions, those approved can purchase a license from the Marketplace office. Each year, a maximum number of Entertainers from each type of entertainment/instrument played will be established by resolution of the Commission.

Auditions are held on Tuesdays at 12 noon. You must call in advance to confirm that you will be there. If you do not call (802) 865-5384 in advance, you will not be included in the audition. To schedule an audition, call 865-5384. Auditions may also be available on a drop-in basis and per staff availability, but there is no guarantee you will be able to audition and receive a license on the same day.

Selection is based upon:

- Type of entertainment to be performed and instrument to be played
- Performance background (training and/or performing experience):
- General musical repertoire (rock, jazz, classical, country, folk, international) or entertainment repertoire (acting, pantomime, juggling, magic, ballooning, dancing and reciting)
- Professional references if requested.

TYPES OF LICENSES:

- **INDIVIDUAL LICENSE:** For one street entertainer.
- **GROUP LICENSE:** For two or more street entertainers performing as a group (listing each member of the group)
- **ANNUAL LICENSE:** An annual license may be issued to an individual or group if 1) at least five daily/weekend licenses have been previously obtained; and 2) no documented complaints have been filed during the five separate performing dates.
- This license allows a person to perform. It is not an employment contract. A license is valid from the date issued through December 31 of the year in which it is issued. Licenses are non-transferable.

APPLICATION PROCESS: To apply for a license, an individual or group must provide the name, address and telephone number of individual or group members and a recent picture of each individual showing the head and shoulders in clear and distinguishable matter. If an entertainer is unable (due to special circumstances) to come to the office that person may apply by mail. By making an application, the applicant authorizes the Marketplace Commission staff to conduct a criminal records check.

FEES:

- Daily licenses: (individual/group) \$5
- Weekend licenses (individual/group) \$10
- Annual licensees (individual/group) \$25.00

A License is valid from the date on which it is issued through December 31 of the year in which it is issued. Anyone under 16 must be accompanied at all times by a parent or guardian, agreed upon by Marketplace staff. Establish Tuesdays, 12 noon as audition time. You must call in advance to confirm that you will be there. No street performances permitted between 10 p.m. and 7 a.m.

MINORS:

Any person under the age of sixteen (16) must be accompanied by a parent or guardian when applying for a license and when performing in the Marketplace District, agreed upon by Marketplace staff. The parent or guardian must provide a written statement 1) assuming full responsibility for the minor's performance; and 2) agreeing to hold and save harmless the City of Burlington/Church Street Marketplace, its agents, employees and offices harmless for any and all liability arising out of or in connection with the minor's performance.

COMPLIANCE: By signing the license, the street entertainer agrees to:

- Comply with Church Street Marketplace Street Entertainer rules and regulations.
- Comply with relevant rules, regulations or ordinances of the City of Burlington, including those related to profanity, noise, truancy, public decency, sidewalk obstruction and aggressive panhandling.
- Acknowledge that violation of City rules, regulations, or ordinances, or actions which jeopardize the public health, safety or general welfare may lead to the revocation of the license.
- Acknowledge that failure to cooperate with a request of the Marketplace staff or a representative of the police with regard to issues of public health, safety or general welfare may lead to the suspension or revocation of the license.
- Acknowledge that the Commission has the discretion to revoke the license if it finds that continued operation by the entertainer would jeopardize the public health, safety or general welfare.
- The right to act as a street entertainer on the Marketplace is a privilege. Activities as a street entertainer must not constitute a nuisance. Entertainers are licensed to encourage donations and may not aggressively solicit donations, as that term is defined by Code of Ordinance section 21-8.

DISPLAY OF LICENSE: Street entertainers must display their license while they are performing so that it can be easily seen by Marketplace personnel or Burlington Police. If they do not, it will be assumed that the person has no license and the police or Marketplace staff will ask the person to cease performing.

ANNUAL LICENSE RENEWAL: Licenses are valid from the date of issue through December 31 of the year in which it is issued. Licenses are non-transferable. Street Entertainers are responsible for renewing their licenses. Conditions of renewal are:

- An audition and selection by Marketplace staff.
- Background check.
- Notification of any changes of name, address, or phone number during the previous year and a new photograph if the photo on file does not accurately depict the licensee (i.e. had hair and beard in prior photo but now if fully shaven).
- No documented complaints filed against the entertainer during the previous season. A documented complaint is one that staff receives via letter, email or phone and is documented.

- Applying in person for renewal of the annual license
- Street entertainers who have met the requirements above may begin the process to receive an annual license (see above).

PERFORMANCE AREA LOCATIONS:

- The performance areas on the Marketplace begin 6 feet off the centerline of the Marketplace and end at the canopy line. Entertainers MAY NOT perform within the nine-foot pedestrian right-of way (the area that extends 9 feet from Marketplace building fronts) and MAY NOT perform in the center of the street (six feet on either side of the center line, a.k.a 12 foot zone in the center of the street.).
- There can be no more than eight (8) street entertainment acts on the Marketplace at any time. For the purpose of site selection, a group shall be considered as one entertainment act.
- There may be only two street entertainment acts per block. Entertainers must locate at least 150 feet from each other and more than 15 feet from a building façade, vendor cart or sidewalk café.
- Entertainers will respect the right of pedestrians to move freely along the Marketplace and businesses to operate without undue disturbance by entertainment outside their premises. If a performer’s audience gathers to see or hear a performer and obstructs free passage along the nine foot pedestrian right-of-way, to or from a vendor cart and/or to or from the entrance to a Marketplace business, the street entertainer must take personal responsibility and every 10 minutes request that the right of ways (mentioned above) remain clear. If the crowd does not comply, the street entertainer must move to a new location.
- A police officer or Marketplace staff person may disperse that portion of the crowd that is blocking the passage of the public. In the event the blocking of passage persists, the officer or Marketplace staff will direct the performer to relocate to a less congested area. Not cooperating with Marketplace staff or Police can lead to suspension and revocation of a street entertainer license.
- Street entertainers may not use Marketplace benches while performing

PERFORMANCE TIME:

- Sunday through Thursday, 10:00 a.m. to 9:00 p.m; Friday and Saturday, 10:00 a.m. to 10:00 p.m.
- Maximum performance time per block per day is two (2) hours. The entertainer may perform only for one (1) hour segments including breaks before moving to a different block.
- At least one (1) hour shall elapse before entertainer may return to a block. The performer must locate at least five (5) storefronts or 150 feet (whichever is farther) from previous location.
- Ten (10) minutes may be allowed for set up, if needed.
- No street performances permitted between 10 p.m. and 7 a.m.

PERFORMANCE RESTRICTIONS DURING PROGRAMMED EVENTS & ACTIVITIES:

The Marketplace has determined that Street Entertainer Licenses may not be used at locations where there are programmed events and activities because of the potential for: a) overcrowding of Church Street leading to congestion of pedestrian traffic flow b) public safety concerns and availability of adequate public safety resources and c) respect and professional courtesy for scheduled, sponsored performances and acts related to specific Marketplace events. There will be specific times where the Marketplace and Marketplace staff will require street entertainers to be restricted to certain locations for a period of time. Our thanks in advance for your understanding and cooperation when it is requested.

SOUND LEVELS:

Amplified sound and drumming of any type are not permissible. Amplification and drums produce a sound and vibration level on the canyon-like, right-of-way of the Church Street Marketplace which is significantly higher than other unamplified instruments.

Entertainers using brass instruments and saxophones must mute them. Entertainers must reduce the level of sound or mute their instruments upon request by authorized personnel of Burlington Police. If they do not comply, their license will be suspended.

SALE OF PRODUCTS:

Licensed street entertainers may sell tapes, or CD's of their own work and ONLY during time of performance. Selling during non-performance time is a violation of city ordinances.

INSURANCE:

Acts which may be considered dangerous (e.g. acts involving knives, fire, other hazardous materials) must provide insurance. The licensee shall maintain a policy which limits liability for bodily injury and property damage in the amount of at least \$100,000 (insurance amounts may be changed subject to checking with the City's insurance administrator) for personal injury to any one person, and for damages to property in the amount of at least \$25,000 resulting from one accident. The licensee must provide proof of such insurance to the Church Street Marketplace upon request.

GRANTING, DENYING, SUSPENDING AND REVOKING A LICENSE: Staff of the Church Street Marketplace District Commission may deny a license if:

- As a result of a criminal records check it determines that past misdemeanor and/or felony convictions pose a threat or potential threat to the public's safety on the Marketplace.
- If the City Attorney's office has recommended we not issue a permit, based on a reference check.

Staff may suspend a license for not more than 60 days if:

- a performer violates any of the provisions of the rules and regulations.
- street performer has not complied with a request to follow written guidelines from either Marketplace personnel or Burlington Police Officers.
- staff have received at least three documented verbal or written complaints regarding performances stating date, time, place and detail.

Staff may request that the Commission revoke a license that staff has suspended.

No license may be suspended or revoked unless the individual is provided a public hearing concerning that suspension or revocation. Written notice will be given to the individual at least 7 days prior to the public hearing. The written notice will set forth the facts constituting the basis for the proposed revocation. A hearing panel comprised of three Church Street Marketplace Commissioners or their designees will hear oral testimony, receive written evidence and send a proposed written decision to the full Marketplace Commission for its consideration. The hearing panel's written decision must be provided to the individual at least three days before the Commission meeting. The licensee may not perform during the period between the giving of the notice and the hearing.

One or more members of the hearing panel will present the decision at a regularly scheduled meeting of the Church Street Marketplace District Commission. Marketplace staff and/or the licensee may explain in writing or orally to the full commission where they disagree with the decision, but may not present new evidence. The full Commission has the right to accept, reject or alter the decision from the hearing panel, as long as the decision is supported by the law and evidence introduced to the hearing panel. A majority of the full Commission must support the final decision of the Commission.

