

Street Entertainer Rules and Regulations 2022

Welcome to the Church Street Marketplace's Street Entertainer Program! We hope these rules and regulations are both helpful and promote a positive experience for you and for our customers. Please feel free to ask questions. Contact Jed Sass at (802) 829-6028, jsass@burlingtonvt.gov.

STREET ENTERTAINMENT is defined as all entertainment performed on the Church Street 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. (Exceptions will be made for battery-operated electric pianos with restrictions set on volume). Using any form of percussion requires an on-street audition and written approval by the Church Street Marketplace on the performer's permit. Church Street Marketplace reserves the right to deny a permit to any entertainer using percussion, if the sound generated is deemed too loud for our narrow street. Entertainment does not include activities performed in connection with street events and parades given permits under the ordinances and regulations of the City.

- 1) AUDITIONS: A VIDEO AUDITION OF YOUR PERFORMANCE IS REQUIRED. Please link your audition video in this application under Act Information, or send your video file to Jed Sass at jsass@burlingtonvt.gov. If a video audition poses as a barrier to you, you may schedule an appointment to audition in the Church Street Marketplace office with Jed Sass by email.

- 2) SELECTION BASED UPON:
 - a. Type of entertainment to be performed and instrument to be played
 - b. Performance background (training and/or performing experience)
 - c. General musical repertoire (rock, jazz, classical, country, folk, international) or entertainment repertoire (acting, pantomime, juggling, magic, ballooning, dancing and reciting)
 - d. Professional references if requested.
 - e. NEW: Performance rating of at least 15 on the Street Entertainer Audition Sheet (see attached) categories of Tone, Accuracy, Balance, Presentation and Repertoire.
 - f. Sound Level:
 - i. Amplified sound is not permitted
 - ii. Using any form of percussion requires an on-street audition and written approval by the Church Street Marketplace
 - iii. Brass instruments and saxophones must be muted. Entertainers must reduce the level of sound or mute their instruments upon request by authorized Marketplace staff or Burlington Police. If they do not comply, their license will be suspended.

- 3) TYPES OF LICENSES:

- a. ANNUAL LICENSE: \$50 per individual performer, which covers the cost of the State of Vermont background check (\$30) plus a \$20 administrative fee. The annual license is valid through December 31 of each year. For groups, we charge one \$20 administrative fee plus \$30 per person.
 - b. YOUNG PERFORMERS PERMIT: Free to young performers who are under the age of 18 at time of their audition. The Church Street Marketplace welcomes young performers associated with Vermont high schools, colleges, the Vermont Youth Orchestra and Green Mountain Chamber Music Festival. Permits are issued based on audition, repertoire and recommendation from music teacher or mentor.
 - c. TRAVELLING PERFORMERS PERMIT: \$20.00 to traveling performers booked at local venues including Red Square, Nectar's, Signal Kitchen, Radio Bean and Higher Ground, during their venue performance days.
 - d. CIRCLE ACTS: Permits for circle acts are issued on a case-by-case basis, depending on the performer's performance and safety plan, experience performing in pedestrian marketplaces and flexibility with times and locations that are available. \$100.00 for annual license.
- 4) APPLICATION PROCESS: To apply for a license, submit an online form on the Church Street Marketplace website at www.churchstmarketplace.com. If applying electronically poses a barrier for you, contact Jed Sass directly. By making an application, the applicant authorizes the Marketplace Commission staff to conduct a criminal records check.
- 5) MINORS: Any person under the age of sixteen (16) must have "Release of Waiver and Liability" signed by a parent or guardian when applying for a license and performing in the Marketplace District. By signing the release of waiver and liability, the parent or guardian waives, assumes any risk, and takes full responsibility and waives any claims of personal injury, death or damage to personal property associated with the performance of the minor as a Street Entertainer on the Church Street Marketplace District.
- 6) 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.
- 7) ANNUAL LICENSE RENEWAL: Licenses are valid from the date/year issued through December 31 of that same year. Licenses are non-transferable. Street Entertainers are responsible for renewing their licenses. Conditions of renewal are:
 - a. Resolution of 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.

- b. background check.
- c. Notification of any changes of name, address, or phone number during the previous year.
- d. Applying in person for renewal of the annual license

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

- a. Comply with the Church Street Marketplace Street Entertainer Program rules, and City of Burlington ordinances, including those related to profanity, noise, truancy, public decency, sidewalk obstruction and aggressive panhandling.
- b. 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.
- c. 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.
- d. Acknowledge that the Marketplace 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.
- e. Acknowledge that being 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.
- f. Understand that dressing and grooming must be appropriate. Attire is to include a shirt, shoes, pants/shorts/skirt at all times. Bathing suits are not permitted

9) 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.).

- a. Entertainers will respect fellow entertainers, and maintain a distance of 100 feet from each other.
- b. 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.
- c. 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.

- d. Street entertainers may not use Marketplace benches while performing.

10) PERFORMANCE TIME:

- a. Daily from 10:00 am to 9:00 pm; Friday and Saturday, 10:00 am to 10:00 pm.
- b. All Entertainers are required to move to a different block, every 2 hours.
- c. At least one (1) hour shall elapse before entertainer may return to a block at a different location.
- d. No street performances permitted between 10:00 pm and 7:00 am to comply with the City's noise ordinance.

11) 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.
- d. Permits issued are NOT valid during the City's annual Festival of Fools event (generally the last Friday, Saturday and Sunday of July) out of respect to the street performers who are part of the festival and who must rely on tips from audiences.

12) SALE OF PRODUCTS: Licensed street entertainers may sell ONLY CD's of their own work and ONLY during time of performance. Selling during non-performance time is a violation of city ordinances.

13) 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.

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

- a. As a result of a criminal records check, the City determines that past misdemeanor and/or felony convictions pose a threat or potential threat to the public's safety.
- b. If the City Attorney's office has recommended staff not issue a permit, based on a reference check.
- c. Staff may suspend a license for not more than 60 days if:
 - i. A performer violates any of the provisions of the rules and regulations.
 - ii. Street performer has not complied with a request to follow written guidelines from either Marketplace personnel or Burlington Police Officers.
 - iii. 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.