

1 Street performers may perform on public property within the city of Santa Fe but shall comply
2 with the following regulations.

3 A. Street performers shall not block, or cause the blocking of any sidewalk, passageway,
4 street, or entrance to a building.

5 B. Street performers may accept contributions of money or property at their
6 performance, in exchange for representations of their own work, except that street performers shall not
7 exchange any type of food product or vegetation, on public property. Street performers shall not sell
8 goods or wares on public property at a fixed price except for audio or video recordings.

9 C. Street performers shall not perform on private property unless permission is granted
10 from the property owner.

11 D. Street performers shall not infringe on events for which a city permit has been issued so
12 as not to detract from the stated purpose of the permit including, but not limited to, Indian Market, Spanish
13 Market, Fiesta Arts and Crafts, Fiesta and midday or evening performances at the bandstand on the
14 Plaza. Any performance at such events shall only be with the written permission of the sponsor.

15 E. Use of fire, spray paint or aerosol in performances is prohibited.

16 F. Street performers shall stay at least fifty feet (50') away from other street performers,
17 Plaza Park artist/artisan vendors and Plaza pushcart vendors.

18 G. Street performers shall not be plainly audible fifty feet (50') away from the
19 performance site. A street performer may use amplification at any location, except in the Plaza,
20 where amplification may be used only between 1:00 p.m. and 3:00 p.m. daily. A street performer
21 may not use public power sources or portable generators.

22 H. Street performers shall not remain at any one location longer than two (2) hours and then
23 shall move at least one hundred feet (100') feet away from that location and shall not return to that
24 location for two (2) hours. If the location was within the Plaza, the street performer shall move off the
25 Plaza.

1 I. Street performers shall not perform on the Plaza bandstand.

2 J. Street performers shall not perform before 8:00 a.m. and after 11:00 p.m. Sunday
3 through Thursday and 1:00 a.m. on Friday and Saturday, except at city parks and recreation areas
4 where the curfew is 10:00 p.m., Sunday through Saturday, in accordance with subsection 16-13.6
5 SFCC 1987.

6 **Section 3. Subsection 23-8.7 SFCC 1987 (being Ord. #2009-50, §6, as amended) is**
7 **amended to read:**

8 **23-8.7 Criminal Enforcement; Penalty; Administrative Enforcement.**

9 A. *Criminal Enforcement:* The police department shall enforce the provisions of Section
10 23-8 SFCC 1987.

11 (1) Upon the first violation of the provisions of this section, the police may issue
12 a warning to the person violating this section.

13 (2) Upon a second and subsequent violation by the same person, the police shall
14 issue a citation.

15 (3) Any street performer who violates any provision of Section 23-8 SFCC 1987
16 or any other city ordinance shall, upon conviction, be punished in accordance with the
17 provisions of Article 1-3 SFCC 1987.

18 B. *Administrative Enforcement.*

19 (1) If a street performer is in violation of any provision of this section or any
20 provision of the SFCC 1987; or is operating in a manner contrary to the public welfare, then
21 the city finance director may, in his discretion and upon reasonable evidence:

- 22 (a) Send the street performer a notice of violation specifically stating:
- 23 (i) The nature of the violation;
 - 24 (ii) Whether there are past due license fees; and
 - 25 (iii) If there are past due license fees, order that the past due

1 license fees, plus a penalty that is double the amount due, be paid
2 immediately, upon receipt of the notice;

3 (iv) If the fee and penalty are not paid, the provisions of this
4 section or other provisions of the SFCC 1987 are not complied with and the
5 operation contrary to the public welfare is not discontinued within fifteen
6 (15) days after receipt of the notice, the street performer shall surrender his
7 business license to the finance director and the license shall be placed in
8 suspension until a hearing is held before the finance committee for
9 consideration of revocation of the business license; or

10 (b) If the street performer's action creates an immediate and imminent
11 danger, immediately place the business license in suspension until a hearing is held
12 before the finance committee for consideration of revocation of the business license.

13 (c) Any notice of violation shall specify the date, time and place of the
14 hearing by the finance committee in the event the violations are not corrected. The
15 street performer shall appear before the finance committee to show cause why the
16 business license should not be revoked.

17 (2) If, at the hearing before the finance committee, the street performer fails to
18 show cause why the business license fee should not be revoked, the finance committee shall
19 issue a cease and desist order revoking the business license. Such cease and desist order shall
20 prevent the street performer from performing on public property, for a period of one (1) year
21 from the date of the hearing.

22 (3) The hearing before the finance committee shall not be less than thirty (30)
23 days after the notice provided in paragraph B(1), above, is mailed, via certified mail, to the
24 address listed on the street performer business license application.

25 (4) An appearance may be made by counsel and the street performer charged

1 with violating this section may present evidence and call witnesses to show cause why his
2 license should not be revoked.

3 (5) Any street performer aggrieved by the decision of the finance committee may
4 submit to the governing body a written petition for appeal. Such petition for appeal shall:

5 (a) Be submitted to the city clerk's office within thirty (30) days of the
6 date the action appealed was taken by the finance committee.

7 (b) Set forth that such proceedings or assessments were in error in whole
8 or in part, specifying the grounds of the appeal.

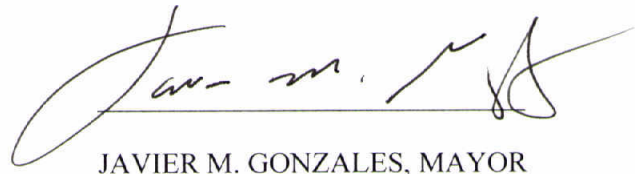
9 (c) Be on the agenda of the next regularly scheduled meeting of the
10 governing body, during the evening session. Verbal or written notice shall be given to
11 the appellant at least five (5) calendar days prior to the meeting of the governing
12 body.

13 **Section 4. Subsection 23-8.8 SFCC 1987 (being Ord. #2009-50, §9) is amended to**
14 **read:**

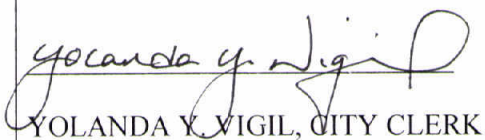
15 **23-8.8 Review.**

16 Section 23-8 SFCC 1987 shall be reviewed by the governing body no later than October 30,
17 2014.

18 PASSED, APPROVED and ADOPTED this 30th day of April, 2014.

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20 
21 JAVIER M. GONZALES, MAYOR

22 ATTEST:

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25 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



KELLEY A. BRENNAN, INTERIM CITY ATTORNEY