

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2014-19**

3
4 **AN ORDINANCE**

5
6 **RELATING TO STREET PERFORMERS ON PUBLIC PROPERTY; AMENDING**
7 **SECTION 23-8 SFCC 1987.**

8
9 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

10 **Section 1.** **Subsection 23-8.4 SFCC 1987 (being Ord. #2009-50, §5) is amended to**
11 **read:**

12 **23-8.4 Business License Required.**

13 A. Street performers shall be required to obtain a city business license in accordance
14 with Section 18-1 SFCC 1987, which may be applied for each calendar year. The business license
15 shall expressly state the type of performance the street performer will be performing.

16 B. Only one (1) member of a street performer group is required to obtain a business
17 license, unless a member or members of the group also perform individually, then that member or
18 those members shall be required to obtain an individual business license.

19 C. Street performers shall pay license fees in accordance with subsection 18-8.10 SFCC
20 1987.

21 D. At all times street performers shall have available the performer's city-issued
22 business license and photo identification for review by the city.

23 **Section 2.** **Subsection 23-8.5 SFCC 1987 (being Ord. #2009-50, §6, as amended) is**
24 **amended to read:**

25 **Subsection 23-8.5 Regulations.**

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