

# SALT LAKE CITY CORPORATION

OFFICE OF THE CITY COUNCIL

## Media Advisory Salt Lake City Council May 28, 2004

The Salt Lake City Council will hold a public hearing June 1 (Tuesday) to take public comment on proposed amendments to a city ordinance regulating sales by sidewalk artists and entertainers.

The hearing is scheduled to start at 7 p.m. in the City Council Chamber, Room 315 of the City & County Building, 451 South State Street. As with all City Council public hearings, comments will be limited to a maximum of two minutes for each speaker. The City Council is not expected to adopt a proposed ordinance regulating sales by sidewalk artists and entertainers until a week after the public hearing. The proposed amendments are expected to remain under review by the City Attorney's Office until that date.

The proposed amendments are the result of two briefings, one in April and the other earlier in May, and two meetings by a City Council subcommittee appointed to address regulating the sales of arts and crafts by sidewalk artists and when and where sidewalk entertainers may perform.

The proposed amendments would alter an ordinance proposed by Mayor Ross C. Anderson's Administration in April. None of the proposed amendments would prohibit an artist or entertainer from displaying works or performing for free.

The proposed amendments include:

- Limiting the areas where sidewalk artists may sell original artwork and crafts to roughly 56 city blocks in and around the Central Business District as well as in the Sugar House Business District. The 56-block area in and around the Central Business District would encompass an area roughly bordered by South Temple Street, 250 East, 1000 South Street, and 350 West. It also would include an area encompassed by the following borders: 350 West to 200 South Street; west on 200 South Street to Interstate 15, and I-15 to North Temple Street. The area does not include an area bordered by 200 South, 200 West, 400 South and 600 West streets because that area is zoned for warehouse-residential use. That area includes Pioneer Park.
- Limiting the sale of arts and crafts by sidewalk artists and entertainers to city parks larger than 10 acres, unless the sales or performances by entertainers are part of a permitted special event.
- Increasing the distance between a permitted special event and sales by sidewalk artists and entertainers to 150 feet instead of 100 feet.

- Requiring that sales by sidewalk artists and entertainers be original works produced by the artist selling the art or craft or his or her immediate family.
- Requiring a \$30 annual registration fee for sidewalk artists or entertainers who wish to sell artwork or perform.

A complete listing of the proposed amendments is included in the attached City Council staff memorandum dated May 12.

For comment on the proposed amendments, people may contact City Council Chair Jill Love and City Council Vice Chair Dale Lambert.

For further information, please contact Russell Weeks or Cindy Gust-Jenson at 535-7600.

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# MEMORANDUM

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**DATE:** May 12, 2004  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Subcommittee Recommendations: Proposed Ordinance – Sidewalk Artists and Entertainers  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Rick Graham, Nancy Boskoff, Linda Cordova

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The following contains recommendations by the City Council Subcommittee established to review the proposed ordinance to regulate sidewalk artists and entertainers.

## NEW ITEMS

Some new suggestions are in *italics* in the text under the section titled *Recommendations* to show the suggestions in their proper context. However, the following two items are listed below because italicizing them may have led to some ambiguity or confusion.

**Name for fee:** It has been suggested that the proposed fee be called a “registration fee” instead of a “permit fee” to make it more palatable to those who may pay it.

**D-4 District:** The City Council may wish to include the D-4 (Secondary Central Business District) zoning district in the list of areas under consideration for the sell of artwork and performances. The D-4 district is essentially a commercial district and would link the areas zoned D-1 (Central Business District) and GMU (Gateway Mixed-Use).

## BACKGROUND

The City Council heard a briefing from the Administration on April 20. After the briefing the City Council appointed a subcommittee made up of City Council Chair Jill Love, Vice Chair Dale Lambert and Council Member David Buhler to address the following issues:

1. Should the City require a permit for sidewalk artists and entertainers and charge a fee for the permit?
2. Should the Administration’s proposed ordinance be amended to limit where artists and entertainers could sell their wares or perform to fewer commercial zones than the Administration proposes?
3. What is an appropriate distance for sidewalk artists and entertainers to sell or perform in areas where a permitted special event is being held?
4. How would a sidewalk artists and entertainers ordinance be enforced and who would enforce it?

5. Is it possible to limit sidewalk artists' wares to original works created by sidewalk artists?

## **RECOMMENDATIONS**

**Should the City require a permit for sidewalk artists and entertainers and charge a fee for the permit?**

- The Subcommittee recommends that the City should require a permit.
- The Subcommittee recommends that the *annual* fee for the permit should be \$30.
- Fees for people age 16 or younger would be waived for the permit, unless the City Attorney's Office advises that the age waiver would be prohibited legally.
- As in the ordinance that expired November 30, the City Property Management Office would issue the permit.

**Should the Administration's proposed ordinance be amended to limit where artists and entertainers could sell their wares or perform to fewer commercial zones than the Administration proposes?**

The Subcommittee recommends that sidewalk artists and entertainers may sell or perform in the following areas:

- Areas zoned D-1 (Central Business District)
- Areas zoned D-2 (Downtown Support District)
- Areas zoned GMU (Gateway Mixed Use District)
- Areas zoned C-SHBD (Sugar House Business)
- The Library Square Plaza

The Subcommittee also recommends that sidewalk artists and entertainers may sell or perform in city parks larger than 10 acres, unless the sales or performances are part of a permitted special event.

**What is an appropriate distance for sidewalk artists and entertainers to sell or perform in areas where a permitted special event is being held?**

In addition to the recommendations above, the Subcommittee recommends that in areas where street artists and entertainers are permitted to sell wares or perform, they should locate 150 feet away from permitted special events.

**How would a sidewalk artists and entertainers ordinance be enforced and who would enforce it?**

The Subcommittee recommends that violations of the ordinance carry a civil fine of \$30 per violation.

**Is it possible to limit sidewalk artists' wares to original works created by sidewalk artists?**

The Subcommittee recommends the following definition of the term "art."

“Art” means original works of fine art, graphic art, and aesthetic objects produced by the Artist. It shall not include (1) any artwork produced by any person other than the Artist selling the artwork or his or her immediate family (2) any item intended or suitable for human consumption (3) any artwork purchased or taken on consignment and held for resale and (4) any clothing other than jewelry and other accessories or hand-painted or tie-dye garments that are assembled or created by the artist. If the jewelry, accessories, or garments contain mass-produced or commercially manufactured parts, the parts shall not be the predominant elements of the item sold.

### **OTHER ITEMS**

The Subcommittee recommends that Section 14.38.140 titled *Location Restrictions* Subparagraph A be amended to include the following:

- That in (1) the distance from an intersection be increased from 10 feet to at least 15 feet.
- That all items containing a five-foot distance requirement, that “five feet” be replaced with “eight feet.”
- That fire lanes, taxi zones and loading zones be added to the list of areas requiring an eight-foot distance requirement between those areas and areas where an artist or an entertainer may sell or perform.