

THE CORPORATION OF THE CITY OF BROCKVILLE
By-law Number 019-2015
(Consolidated Copy)

*Being a by-law to licence, govern and regulate
Buskers in the City of Brockville
(as amended by By-law 036-2016 removal of
insurance)*

WHEREAS Sections 150 and 151 of the Municipal Act, 2001, S.O. 2001 c.25 (herein, the 'Act') permits a municipality to provide for a system of licences with respect to a business and the specific powers available to the municipality to regulate a business and suspend a licence; and

WHEREAS the Council for the City of Brockville has deemed it advisable to licence buskers;

NOW THEREFORE the Council of the Corporation of the City of Brockville hereby enacts as follows:

Definitions

1. In this By-law:
 - (a) "Busker" shall mean any person and his/her employees or agents who entertain in a public space and seek donations for performances;
 - (b) "Busking" includes, but is not limited to the following activities: acting, singing, playing musical instruments, juggling, magic, dancing, puppetry and reciting.
 - (c) "Clerk" means the Clerk of the Corporation of the City of Brockville or designate;
 - (d) "Corporation": shall mean the Corporation of the City of Brockville;
 - (e) "Council" means the Council of the Corporation of the City of Brockville;

General Provisions

2. Every busker operating within the City of Brockville must obtain a licence from the Clerk of the Corporation before beginning any performance within the City of Brockville.
3. This by-law does not apply to buskers performing at municipally sanctioned events, or events organized and hosted by a charity or non-profit community organization so long as they are participating with the permission of the event organizers.
4. Fees for a licence granted under this by-law shall be in accordance with the Corporation's Fees and Charges By-law. A licensee shall pay the prescribed fee prior to the issuance of the licence.

Licenses

5. A buskers licence may be issued by the Clerk when the applicant has complied with all of the following requirements:
 - i) Buskers will require a permit with the applicable fee paid to the Corporation.
 - ii) Busking is permitted only in the DBIA, in specific locations as listed.
 - iii) Buskers aged 14-16 years of age must be accompanied by a parent/guardian at all times. Age 14 is the minimum age permitted for buskers.
 - iv) The performers will be juried/auditioned by April 15th of each year.
 - v) The audition panel will be made up of 1 City representative, 1 DBIA representative, 1 Tourism representative and 1 Arts Council representative.

General Regulations

6. Busking is permitted from 10:00 am to 10:00 pm each day. Buskers are required to rotate locations every 2 hours and may only begin on the even hour. (i.e. 10:00 am, 12:00 pm)
7. Busking locations are as follows:
 - a) 235 King Street West (Brockville Art Centre)
 - b) South side of King Street West (directly north of the Home Street parking lot)
 - c) King Street and Courthouse Avenue (northeast corner)
 - d) Courthouse Green
 - e) Blockhouse Island (2 locations – east and west)
 - f) Hardy Park (Water Street West)
 - g) Market Street West/City Hall
8. Permits must be displayed at all time during their performance.
9. Only one street performance is permitted per location at one time.
10. Busking will not be permitted during special events/festivals without prior permission from the City or event organizer.
11. Maximum number of performers per group shall not exceed 5 people.
12. Performers must adhere to the City's Noise By-law 090-2013. Amplifiers are prohibited.
13. High-risk or unsafe performances which may put the public and/or performers at risk are not permitted.
14. All performances must be suitable for a general family audience.

15. Buskers may not use drugs or alcohol or appear intoxicated.
16. Buskers must demonstrate a reasonable degree of proficiency in their performances.
17. Buskers may receive donations but must not charge a minimum or set fee for their performances.
18. Aggressive or persistent solicitation of donations is not permitted.
19. Buskers or their audiences must not block sidewalks, paths, bicycle routes and roads.
20. The City of Brockville reserves the right to remove any sign, banner or display that obstructs or interferes with pedestrian or traffic circulation or that interferes with normal business activities of any merchant.
21. The City of Brockville reserves the right, at their discretion, to halt performances for any reason at the request of the Brockville Police Service or By-law Enforcement.
22. A busker's license is valid for six months from May to October each year.

By-law

23. If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law, or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be law shall be separately valid and enforceable to the fullest extent permitted by law.
24. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
25. This by-law shall be known as the "Buskers By-law".
26. This by-law shall come into force and effect on the date of passing.

Given under the Seal of the Corporation
of the City of Brockville and passed this
1^{0th} day of March, 2015.



Mayor



City Clerk