



# Council Communication

Office of the City Manager

Date

August 21, 2006

Agenda Item No. 59  
Roll Call No. ~~06-~~  
Communication No. ~~06-520~~  
Submitted by: Larry Hulse, Community  
Development Director

## AGENDA HEADING:

Approving a three-month exception to City of Des Moines Municipal Code Section 102-487 to authorize street performers without obtaining an Entertainment District license.

## SYNOPSIS:

Recommend approval to allow street performers for a three-month trial period, with various restrictions as outlined below. Street performer is defined to include a variety of activities including acting, singing, musical instruments, dancing, reciting, and juggling. Representatives from the City Clerk's Office and the Legal, Police, and Community Development Departments will meet at the end of this time to assess what, if any, issues arose during the pilot period, and will make a recommendation to the Music Commission and City Council whether or not to permanently continue with the exceptions.

## FISCAL IMPACT:

Amount: Applicants for a City issued registration will be charged \$5.00 for a one-year permit. The registration fee will not be prorated or refunded if the trial period is not extended beyond three months. It is unknown how many individuals will apply.

Funding Source: Registration fees will be deposited to the Fiscal Year 2006-07 Operating Budget, City Clerk Department – Administration, Licenses and Permits, GE001 CCL010000, page 50.

## ADDITIONAL INFORMATION:

At a February 21, 2006 Public Input Forum sponsored by the Music Commission, several people came forward to advocate that the City relax restrictions on street performers. Street performers are now effectively prohibited in the downtown area by the requirement of Municipal Code 102-488(7) that they be covered by \$1,000,000 per occurrence of liability insurance. Previously, this insurance was provided as blanket coverage by the Downtown Community Alliance (DCA) in conjunction with its application for an entertainment district license. DCA has not been able to obtain this insurance for the past several years from its insurance carrier.

The Music Commission has discussed the proposed resolution during several of its meetings, and the chair has met with the Historic East Village Association, the Downtown Neighborhood Association, and the Court Avenue Business Association. Although there has been some concern about a business' inability to control who plays on the public right-of-way near its establishment, there appears to be general support for the pilot proposal. The Music Commission voted unanimously at its July 18, 2006 meeting to support the resolution and transmit it to Council.

Proposed restrictions on street performers include:

- A \$5.00 fee for registration with the City Clerk.
- Passage through a public area or business entry cannot be blocked.
- Performers may not perform within an area which has a temporary street closing permit, or within 1000 feet around a perimeter of such an area, without the consent of the permit holder.
- Performers may not use sound amplifying equipment without first obtaining a sound permit.
- Performers may only play between 9:00 a.m. and 11:00 p.m.
- Performers may not offer merchandise for sale when the merchandise is displayed on a portion of, or entirely on a public sidewalk or public place not designed for vehicular traffic. Performers may accept contributions for their performances.
- Those who wish to perform in the skywalks may be referred by the City Clerk's Office to Traffic and Transportation for additional review of safety, clear passage, etc.

**PREVIOUS COUNCIL ACTION(S): NONE**

Date:

Roll Call Number:

Action:

**BOARD/COMMISSION ACTION(S):**

Date: July 18, 2006

Roll Call Number: N/A

Action: The Music Commission voted 7-0 to approve the resolution and forward it to the City Council for action.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If the three month trial period is judged to be successful, the issue will be returned to Council for permanent approval.