

VILLAGE OF LUMBY

REPORT TO COUNCIL



To: Mayor & Council
From: Tom Kadla, Chief Administrative Officer
Date: April 2, 2024
Re: Busker / Street Performers Program

RECOMMENDATION

THAT Council approve the implementation of a one-year pilot program to permit Busking & Street Performers;

AND THAT Council approve the Busker / Street Performer Policy.

BACKGROUND

At its' Regular Meeting dated Monday January 15, 2024 Council directed staff to proceed with investigating the implementation of a busking / street performers program. To allow this program, several Village bylaw amendments to permit busking and street performers would have to be approved.

DISCUSSION

In consultation with the Villages solicitor, as well as reviewing similar programs in various communities in the Okanagan, staff feels that the best way forward would be to implement a pilot program for staff to access the program for a period of time, then based on that assessment make the appropriate bylaw amendments recommendations for Council consideration.

A pilot program would allow the Village to implement a busker / street performer program without the requirement of amending any of its bylaws, such as the Good Neighbour Bylaw, Business Licence Bylaw and the MTI Bylaw. A pilot program would allow the Village to monitor the program, review what works, review and assess any concerns or challenges to the program and assess the preferred locations for the program.

Part of this review would include soliciting feedback from the buskers / street performers, members of the public, businesses, and other stakeholders. The intention would be that after the one-year pilot staff would bring a report to Council summarizing the pilot program with recommendations to amend applicable bylaws based on the knowledge and experience gained from the pilot program.

BUDGET

There are no financial implications to implementing a one-year pilot program to allow busking / street performers.

RECOMMENDATION

That Council approves the implementation of a one-year pilot program for busking street performers.

Thank you,
Respectfully submitted,



Tom Kadla
Chief Administrative Officer

Attachments: Appendix "A" – Busker / Street Performer Policy

POLICY STATEMENT AND REGULATIONS

Number:

Adopted by Council:

BUSKER / STREET PERFORMER POLICY

POLICY OBJECTIVE

To provide opportunities for Buskers and Street Performers (“Performers”) to showcase their talents and offer entertainment to our residents and visitors in a controlled environment with guidelines that have a balance between the needs of street performers, the residents of Lumby, and the business community.

POLICY

Definition

Busking and street performances include, but are not limited to, the following activities: acting, singing, playing musical instruments (see Conditions and Guidelines regarding drums), magic, dancing, puppetry, clowning or juggling, poetry or other acts of a similar nature in public places.

Buskers do not include face painters, portrait artists, painters, crafts people, psychics, or any person or artist who provides a service or produces a product.

Busking is a street performance where performers accept money from the public.

Permits

Performers must complete the “Busker/Street Performer Permit Application” and pay the following fees:

Permit Fees:

\$25 per year

- Permits are non-transferrable.
- Any act, including a duo or group, shall require one permit, subject to the Village of Lumby reserving the right to limit the maximum number of performers to be included in any one permit or temporary permit.
- Persons age 18 and under require a parent or guardian signature.

Permits are not required for performers that are part of an organized street event including parades, festivals and marches.

Buskers and street performers are not protected by the Village of Lumby’s liability insurance and are encouraged to hold their own liability insurance.

Conditions and Guidelines

Buskers/Street Performers must adhere to the following conditions and guidelines:

1. Busking and street performances are permitted only at designated areas indicated on Schedule "A".
2. Permits must be displayed by the Performer at all times while performing.
3. Performers shall sign a liability waiver form with the Village of Lumby.
4. Performers must abide by all the Municipal Bylaws and all Federal and Provincial statutes and regulations while performing. Performers are responsible for making themselves aware of these applicable statutes and regulations.
5. The Village of Lumby shall have the right to refuse to grant, to suspend or to terminate any business licence or permit issued with respect to any Busking/Street Performing in accordance with the provisions of all applicable legislation, bylaws and policies.
6. The use of sharp or dangerous objects is prohibited, including but not limited to juggling knives, hatchets, or chainsaws.
7. Performances involving flaming objects is prohibited.
8. The use of drums, including hand drums, will be authorized on a case-by-case basis.
9. Amplification of performances is not permitted.
10. Performers must be of good conduct and character while performing. The use of offensive language or displays is not permitted while performing.
11. Performers must keep their performance area in a safe, tidy and sanitary condition, free from rubbish, litter, and debris. When finished performing, the performer must leave the area in a good, neat and tidy condition, free from rubbish, litter and debris.
12. Performers may encourage donations but are not permitted to aggressively solicit for donations. Contributions may be received in a receptacle such as a musical instrument case, box or hat.
13. Musicians are permitted to sell recordings of their original work during their performance. No other sales are permitted.
14. Busking and street performances are permitted in the designated Busker/Street Performer Area from 9:00 a.m. to 9:00 p.m., seven days per week.
15. Performers and Entertainers shall not occupy any location for more than two (2) hours at a time in any four (4) hour period.
16. Performers and entertainers shall ensure that no more than two performers are performing in any one block and that their performance does not interfere with another's performance.
17. Performers must locate themselves in such a way that they and their audience do not obstruct the flow of pedestrian traffic or any business entrance. They must not block doorways, display windows, sidewalks, paths, bicycle routes, streets, or roads.
18. Performers must obtain permission from the business they wish to perform / busk in front of. Performers will respect the right of businesses to operate without undue disturbance by entertainment outside their premises.
19. Performers must cooperate immediately with requests by any member of the RCMP, Lumby & District Fire Department or Village of Lumby Bylaw Enforcement Officer. These officials have the authority to revoke a Permit if program guidelines are not being followed.

Busker/Street Performer Permit Application

Annual Permit Fee: \$25.00

Applicant: _____

Address: _____

Phone: _____ Email: _____

Style of entertainment to be performed/instrument (s) to be played:

Performance background (training or previous experience):

Musical repertoire and genres (Blues, Jazz, Country, Classical):

Sometimes people would like to contact performers for hire. Do you give us permission to share your contact information? Yes / No

By signing below, I acknowledge I have read, understand and agree to the Conditions and Guidelines of the Busker/Street Performer Permit and that I am aware that I am not covered under the Village of Lumby's public liability insurance.

Signature: _____

Date: _____

Signature of Parent/Guardian if applicable

Print Name of Parent/Guardian

Drivers Licence/ID _____

OFFICE USE ONLY	
Comments/Special Conditions:	
Approved by:	Date:

PAID STAMP:

SCHEDULE "A"

Busker/Street Performer Area

Busking/Street Performing is permitted only in the areas shown on the map that are highlighted in yellow.



SCHEDULE "A"

LUMBY BUSKING AND STREET PERFORMERS POLICY