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Legislation Text

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Committee on License and Consumer Protection City Council
Meeting May 29, 2019 Alderman Brendan Reilly, 42nd Ward Street
Performer Restrictions

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Sections 4-244-162, 4-244-164 and 4-244-170 of the Municipal Code of Chicago are hereby amended by deleting the struck-through language and inserting the underscored language as follows:

4-244-162 Permit - Conditions.

(a) A permit shall be issued by the commissioner to each applicant for such permit in exchange for a completed application and a permit fee in the amount set forth in Chapter 4-5 of this Code, unless that applicant is ineligible because of a revocation imposed pursuant to Section 4-244-170.

(omitted text is unaffected by this ordinance)

4-244-164 Duties - Prohibited Acts - Other requirements.

a) Except as otherwise provided in subsections (d), (e) and (f) of this section, a A performance may take place in any public place, but only between the hours of 10:00 a.m. and 8:00 p.m. on Sundays through Thursdays and 10:00 a.m. and 10:00 p.m. on Fridays and Saturdays.

b) A performer may not block the passage of the public through a public place. If a sufficient crowd gathers to see or hear a performer such that the passage of the public through a public place is blocked, a police officer may disperse that portion of the crowd that is blocking the passage of the public, or may order the performer to cease performing at that location until the conditions causing the congestion have abated.

c) A performer may not perform on the public way so as to obstruct access to private property, except with the prior consent of the owner or manager of the property.

(d) (1) A performer shall comply in all respects with the relevant portions of the noise and vibration control provisions of the Chicago Noise Ordinance, Chapter 8-32 of the Municipal Code, and all other applicable Code provisions, which prohibit a street performer from generating any sound by any means so that the sound is louder than an average conversational level at a distance of 100 feet or more, measured either horizontally or vertically from the point of generation. ~~Failure to comply with these noise control limitations shall constitute a violation of this subsection (d)(1) and shall subject the violator to the penalties set forth in subsection (e) of this section and to the fine set forth in Section 4-244 170(b).~~

(2) On any portion of the street or sidewalk on both sides of Michigan Avenue from the north side of Oak Street to the Chicago River, and also on any portion of the street or sidewalk within the area bounded by the east edge of the sidewalk on the east side of Michigan Avenue, the west edge of the sidewalk on the west side of Dearborn Street, the south boundary line of the main branch of the Chicago River, and the north edge of the sidewalk on the north side of Van Buren Street, street performers whose performance includes the use of a bullhorn or loud and raucous electronic amplification, or an object that is struck manually or with a stick or similar item to produce a sharp percussive noise, shall on Monday through Friday perform only between 11:00 a.m. and 1:00 p.m., and between 4:00 p.m. and 8:00 p.m.. and on Saturday and Sunday perform only

between 11:00 a.m. and 5:00 p.m.

Any performer whose performance in the area bounded by Lake Michigan on the east, Oak Street on the north, Congress Parkway on the south and LaSalle Street and Wacker Drive on the west (including both sides of the named boundary streets), has exceeded the noise limitations set forth in Section 4-244-164, and who is given notice thereof and requested to move by a police officer, shall move the location of his or her performance at least two city blocks from the location where the noise violation occurred. Failure to obey such a request to move is a violation of this section.

(24) It shall be a separate violation of this subsection (d) for a street performer to generate any sound by any means so that the sound is louder than an average conversational level at a distance of 200 feet or more, measured either horizontally or vertically from the point of generation. Failure to comply with those noise control limitations shall subject the violator to the penalties set forth in subsection (e) of this section.

(e) Anyone found guilty of two violations of subsection (d)(1) of this section within one calendar year, and anyone found guilty of one violation of subsection (d)(2) of this section, shall have his or her street performer's permit revoked by the department for a period of one calendar year. Permit revocations shall be conducted in accordance with procedures established by the department. In addition to permit revocation and the fine provided for in Section 4-244-170(b), a person violating subsection (d) of this section may also be required to perform up to 24 hours of community service.

(f) All street performers are prohibited from performing in the highly congested area on both sides of Michigan Avenue, bounded by East Delaware Place on the north and East Superior Street on the south (e) No performer shall, while performing on the public way (1) along that portion of Jackson Boulevard that lies between Columbus Drive and Lake Shore Drive at any time during which a concert is being performed in the Petrillo Music Shell, or (2) along that portion of Randolph Street that lies between Columbus Drive and Michigan Avenue, and along that portion of Columbus Drive between Monroe Street and Michigan Avenue, at any time during which a concert is being performed in the Jay Pritzker Pavilion, emit noise that is audible to a person with normal hearing more than 20 feet away.

(h) No performance by a performer shall be allowed at any time in Millennium Park, or on any sidewalk that abuts Millennium Park.

4-244-170 Violation - Penalty.

a) Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any peddler who shall be found liable or guilty of any fraud or misrepresentation, or who shall violate any of the provisions set forth in Article II of this chapter, shall be fined not less than \$50.00 nor more than \$200.00 for each offense.

b) Except as otherwise provided in this chapter, and in addition to any other penalty provided by law, any person who violates any of the provisions of Article III of this chapter, including, but not limited to, the noise control limitations set forth in subsection (d) of Section 4-244-164, or who knowingly furnishes false information on the permit application required under Section 4-244-161, shall be subject to a fine of \$300.00 for the first offense and \$500 thereafter for any subsequent violations.

c) Any person found liable for having committed, within any 12-month period, two violations of subsection 4-244-164(d) or three violations of any other provision of Article III of this Chapter, shall have his or her street performer's permit revoked by the Department, and shall be ineligible to reapply for a street performer's permit for a period of twelve months, such period of ineligibility beginning on the date the revocation order is entered and enforceable. Permit revocation hearings shall be conducted in accordance with the process described in Section 4-4-280, with the condition that any revocation hearing shall be limited to the issue of whether the permit holder's record and the resolution of any pending charges in the same or contemporaneous proceedings, if applicable, accurately reflect the existence of a sufficient

number of violations to support the revocation decision. The permit holder shall not be permitted to challenge any previously resolved violations themselves, nor any underlying facts asserted or determined

therein. For purposes of this section: (1) multiple offenses occurring on the same date shall be deemed a single violation while offenses occurring on separate dates shall be deemed separate violations; and (2) a "violation" may include a finding of liability or a finding sustaining the offense or offenses charged in the same or in any contemporaneous proceeding or evidence of any previously resolved final disposition against the permit holder on a charge brought pursuant to one of the Code provisions listed in this subsection (c). including but not limited to any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. In addition to permit revocation and the fine provided for in this section, a person violating subsection 4-244-164(d) may also be required to perform up to 24 hours of community service-Except 36 otherwise specifically provided in Article III of this chapter, any person found guilty of three or more violations of any of the provisions of Article III of this chapter within one calendar year shall have his or her street performer's permit revoked by the department for a period of one calendar year. Permit revocations shall be conducted in accordance with procedures established by the department.

SECTION 2. This ordinance shall be in force and effect upon passage and publication.