

NOTES ON STREET PERFORMERS PERMITS

(These notes are based on the Parks & Recreation [P & R] office worker info as well as the City's Street Performance Downtown Santa Cruz website. If anyone has new info or corrections, please contact me).

The only spots for which P & R will grant permits are (1) Compass Rose area near the post office; (2) Memorial Plaza near Jamba Juice; (3) Pacific and Cooper; (4) Pearl Alley; (5) Scribner Statue area.

Permits can be filed only Monday – Thursday 8 AM – 4 PM at the P & R Office at 323 Church St 36 hours in advance of performance. So, if you want to perform with a fellow guitarist on a Monday, you'd better have applied on Wednesday or Thursday of the prior week. P & R worker Betsy assured me [11-7-13] that two people playing could easily fit into 12 square feet—the maximum allowable space without a permit for someone with an open guitar case, cup, or other “display device”.. She must have been quite the rage at college phone booth stuffing events.

Maximum time length allowed is 2 hours on Pacific and 3 hours in the alleys, one performance per day, and only between 11 AM- 10 PM. Additionally it's not clear when these rules will be altered given the new ordinances (and new bleak mentality to enable performance “regulation” by police, hosts, security guards, city staff, & merchants). Only one event per weekend.

When Betsy checked, no one had applied for (and been granted) a permit subsequent to October 24, though 2 groups had applied for events in November before that date and been granted permits.

Though the permits are free, if **you're using a keyboard or any kind of “amplification”** however minor, you've **got to go through the SCPD and pay \$33 with a much longer lead time.** I've filed a Public Records Act request asking for specifics from them—which they're supposed to respond to in the next 10 days.

Contrary to what rule#7 at reads at the Street Performance Downtown Santa Cruz city website <http://www.cityofsantacruz.com/index.aspx?page=1289> (“no commercial sales”), **recent court decisions acknowledged by the City Attorney's office allow you to both sell and price tag your own original work** (if written, audio, or video)--though this is not explicitly acknowledged (and not respected by some police). The published decision is *Steven C. White v. City of Sparks*.

The City's Street Performer website has also not been updated to indicate that a permit is required for any space more than 2' X 6' (not 4' X 6' as it now reads).

Missing from the latest cheery Street Performing Downtown Santa Cruz hand-out is the alarming (and absurd) clarification that the 12 square feet is only 3 “sidewalk squares”--difficult for one performer with an instrument and its case, impossible for more than one.

MC 5.43.010 only limits "a display device for noncommercial use ON ANY PUBLIC SIDEWALK" [emphasis mine]-- so if the device itself doesn't sit on the sidewalk, but on you, it arguably isn't covered by the ordinance. So one alternative for performers is to attach a cup to your clothing and have no display device at all. Perhaps add a small sign “City law forbids me to place this cup on the sidewalk.”

This has the additional benefit of arguably allowing you if you perform while standing to do it anywhere and everywhere and still get donations from those brave enough to approach. The 14' setbacks only apply to sitting, display devices placement, (and panhandling—which is explicitly defined differently than performing for donation).