

**ORDINANCE #695**  
**AN ORDINANCE TO AMEND MARQUETTE CITY CODE**  
**CHAPTER 12 - BUSINESSES, BY ADOPTING A NEW**  
**ARTICLE VIII. - STREET PERFORMERS**

**INTENT**

The purpose of this ordinance is to create regulations to allow for local street performers, which enhance the character of the City, and to do so in a manner consistent with the overall public interest.

**The City of Marquette Ordains:**

**SECTION 1. Adoption.**

***New Chapter 12 – Businesses, Article VIII. – Street Performers is hereby adopted as follows:***

**Sec. 12-204 – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Designated public area* means an area on public property designated for street performances.

*Perform/performance* means a live, public presentation or exhibition which includes, but is not limited to, the following activities: acting, singing, playing a musical instruments, pantomime, juggling, magic, dancing, reading aloud, puppetry, art demonstrations, and performing of any sort.

*Performer* means a person conducting activities defined as a Performance under this article.

**Sec. 12-205 – Rules and Regulations.**

Any performer operating in the City of Marquette shall comply with the following:

1. May only locate in a designated public area, as identified by city commission resolution.
2. May only perform during hours established by city commission resolution.
3. A person who is under the age of 15 shall only perform when accompanied at all times by a responsible adult. A person who is 15 years of age or older may perform without a responsible adult.
4. May request contributions or money at a performance. Contributions may be received in any receptable, so long as it does not interfere with the pedestrian passage requirements set forth in Sec. 42-30 of this code.
5. May only perform if located more than 10 feet from the entrance of any business, unless prior permission is granted by the business owner.
6. May only perform if located more than 50 feet from any other performer, unless performing together.
7. May only perform if located more than 100 feet from any playground or school while in session, unless prior permission is granted by the school administrator.

8. May not use any:
  - a. knife, sword, torch, flame, axe, saw, animal or other object, thing or being that can cause serious bodily injury to any person;
  - b. Amplification device;
  - c. Generator, battery or any other power source that poses a fire or public safety hazard;
  - d. Electrical connection to an adjacent building or City power source.
9. The performer shall be responsible for clean-up of all litter at the performance site.
10. Must allow the public to utilize any public benches, waste receptacles or other street furniture during the performance.
11. Must not block or obstruct a curb cut.
12. Must allow for the free and safe movement of pedestrians in accordance with Sec. 42-30 of this Code. If a sufficient crowd gathers to observe a performance such that the passage of the public through a public area is blocked or obstructed, a police officer may disperse that portion of the crowd that is blocking or obstructing the passage of the public.
13. Must only perform with instruments, props, equipment, or other items the performer can reasonably transport or remove at one time.
14. May not obstruct visibility for passing motorists.
15. May not offer for sale or make available for a price or donation any items.
16. May not create excessive levels of noise, as established in Sec 22-30 of this Code.

**Sec. 12-206 – City Manager Exclusion of public areas.**

The City Manager or his or her designee may temporarily exclude a designated public area, due to road or sidewalk construction, utility maintenance, other city activity, or in the case of an emergency. Such designation will be based upon the determination that exclusion is necessary to protect the public health, safety, and welfare.

**Sec. 12-207 – Civil infraction.**

An individual who violates any portion of this article is responsible for a municipal civil infraction.

**SECTION 2. EFFECTIVE DATE.**

This ordinance shall take effect ten days after adoption but not before publication.

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Jennifer A. Smith, Mayor

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Kyle Whitney, City Clerk

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_