



THOMAS M. MENINO
Mayor

CITY OF BOSTON LAW DEPARTMENT

City Hall, Room 615
Boston, MA 02201

July 12, 2006

WILLIAM F. SINNOTT
Corporation Counsel

Via Interoffice Mail

Albert E. Goslin, Acting Police Commissioner
Amy E. Ambarik, Legal Advisor to the BPD
Bernard O'Rourke, Captain A-1
Robert Flaherty, Captain D-4
Antonia Pollock, Commissioner, Parks and Rec. Dept
Gene Survillo, Chief Park Ranger
Michael Galvin, Chief, Basic Services/Property Management
Patricia Malone, Exec. Dir., Consumer Affairs and Lic.
Francis Pedersen, Chief, City Hall Security

RE: Street Performers and Musicians

Dear Sirs and Madames:

I have enclosed LEGAL MEMORANDUM - STREET PERFORMERS, which reviews the rights and responsibilities of street performers in the City of Boston. Please disseminate this memo and information to the appropriate City employees under your command/supervision.

In sum, the memo reminds City employees that street performers and artists do not need permits to perform in Boston. Street performers are permitted to engage in performance activity as long as they do not violate any laws, statutes or ordinances.

Please do not hesitate to contact Tom Donohue, at the Law Department (617) 635-4039, should you have any questions regarding this issue.

Sincerely,

William F. Sinnott, Corporation Counsel
Thomas R. Donohue, Asst. Corp. Counsel
City of Boston, Law Department

Enclosure



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LEGAL MEMORANDUM - STREET PERFORMERS

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FROM: William F. Sinnott, Corporation Counsel
Tom Donohue, Assistant Corporation Counsel
City of Boston, Law Department

DATE: July 12, 2006

RE: Street performers

Introduction

This memorandum is a review of the rights and responsibilities of street performers in the City of Boston. Please disseminate the following information to the appropriate City employees under your command/supervision.

Should you have any questions regarding these issues, please contact Tom Donohue at the Law Department (617) 635-4039.

Definition of "street performers" and "public areas"

"Street performers" include persons engaged in - but not limited to - the following activities: playing musical instruments, dancing, acting, singing, pantomime, juggling, magic, puppetry, drawing, painting and reciting.

"Public areas" include sidewalks, walkways, grounds, parks, and other public pedestrian ways located in the City of Boston.

The City does not require or issue permits for street performers

The City of Boston does not regulate street performers. This means that permits are not required to perform in the public areas of Boston. Accordingly, the City no longer issues permits for street musicians or performers.

Performers may request and accept contributions of money or property at a performance. Further, performers may offer for sale representations and recordings of their own performances, including records, cassettes, videotapes, compact discs or digital videodiscs.

Street performers must obey all laws and ordinances

As must all persons, street performers must obey all laws, statutes, and ordinances while performing in the City of Boston. For example, performers must obey the City's noise ordinance and the laws against disorderly persons and conduct.

Street performers must not obstruct handicap ramps, doorways, or emergency safety equipment. Also, performers may not block the passage of the public through a public area. In the event that a crowd gathers which blocks the passage of the public through a public area - for public safety - an officer or park ranger may disperse the portion of the crowd that is blocking the passage of the public. The officer or ranger shall not cause the performer to leave the location unless efforts to move the crowd would fail to adequately protect public safety or order. For example, performers may not cause pedestrian traffic to walk onto a street.

Conclusion

Street performers and artists do not need permits and are not regulated by the City of Boston. Street performers are permitted to engage in their performance activity so long as laws, statutes or ordinances are not violated.