

ORDINANCE NO. C - _____

An ordinance relating to street performers; amending SMC 10.40.010 of the Spokane Municipal Code.

WHEREAS, the City supports and seeks to protect the activities of street performer, including street musicians, who perform any valid form a constitutionally protected expressive activities in the public right-of-way,

WHEREAS, the City must also implement reasonable regulations to protect the public health, safety, welfare from adverse effects that can result from commercial and non-commercial activities in the public right-of-way,

WHEREAS, the City also has a legitimate government interest in regulating business activities which take place on the public right-of-way, and

WHEREAS, it is the City's desire to implement an ordinance that protects the rights of street performers to perform constitutional protected expressive activities in the public right-of-way while also enforcing reasonable regulations regarding business and commercial activities which occur on the public right-of-way.

The City of Spokane does ordain:

Section 1. That SMC 10.40.010 is amended to read as follows:

10.40.010 Peddler Designation – When Required.

A regular or temporary business license issued under chapter 8.01 SMC must have a special designation as “peddler” under any of the following circumstances:

- A. Where the person is eligible for a temporary business license, and is engaged in the business of selling or delivering goods or services within the City from a fixed or temporary location as an itinerant vendor.
 - 1. Examples are people selling food or wares from mobile carts on the sidewalk or roving vehicles in the streets. (Cross Reference: SMC 8.01.220).
- B. Where the person travels from door to door as the principle means of conducting business offering, exposing for sale, or selling within the City any goods, merchandise, service or product.

C. Where the person engages in any business in the City with no permanent location. (Cross Reference: SMC 8.01.070).

D. A person who engages in constitutionally protected expressive activities in the public right-of-way shall not be required to obtain a business license unless the person engages in business activities. Constitutionally protected expressive activities conducted in the public right-of-way shall include, but is not limited to, street performers. For the purposes of this section, a street performer means an individual, including street musicians, who performs any form of artistic expression. The voluntary contribution of money by members of the public to the individual in association with the expressive activity shall not result in the requirement of obtaining a business license. A person who engages in constitutionally protected expressive activities in the public right-of-way must still comply with all other regulations regarding conduct in the public right-of-way.

PASSED BY THE CITY COUNCIL ON _____, 2008.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date