

ORDINANCE NO. C-20-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 23-125, 23-127, 23-128, AND 23-129 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, THEREBY AMENDING REGULATIONS GOVERNING STREET ARTISTS AND STREET PERFORMERS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale desires to encourage more street performing and street artists to complement its history as a city rich in cultural arts and entertainment; and

WHEREAS, in order to encourage and welcome more street artists and street performers to the City of Fort Lauderdale, the City Commission wishes to remove the requirement that street artists and street performers select a location when obtaining a permit and extend the length of street artist and street performer permits from one month to one year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 23-125 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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:

Art means painting, photograph, sculpting, sketching, crafts and other creative and expressive activity which is not a danger to the general public.

Artist means the person who specifically engages in art as defined in this section.

Audible performance means any performance which involves or requires the production of sound as an essential element of the performance; the term is inclusive of street performances and performances on private property.

Performance includes the following activities: acting, singing, playing a musical instrument, pantomime, juggling, magic, dancing, comedy, acrobatics, puppetry, storytelling, balloon twisting, and similar types of activities.

Public beaches is defined in section 8-71 of this Code.

Riverwalk means city owned or controlled property including, but not limited to, the public right-of-way located in the area generally bounded by Broward Boulevard to the north, SW and SE 6th Street to the South, Federal Highway to the east (including Laura Ward Plaza), and from SE 7th Avenue/Avenue of the Arts and SW 4th Avenue to the west.

Street art includes the creation, display and/or sale or offer for sale, compensation, or donation, of art that is created only by the artist.

Street artist means the person who engages in street art on public property. Street artist does not include a person who creates art while in a public area, but has no intention to display for sale or sell the art in that location.

Street performance includes the following activities: acting, singing, playing a musical instrument, pantomime, juggling, magic, dancing, comedy, acrobatics, puppetry, storytelling, balloon twisting, and similar types of public performance done for the purpose of public entertainment or amusement on public property.

Street performer means the person who engages in street performance activities to offer entertainment or special demonstrations for those around them which may be for compensation or donation.

Weapon shall mean any dirk, knife with a blade longer than two inches, scissors or shears with a blade longer than four inches, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, machete, ax, plastic gun, blunt-bladed table knife, or other deadly weapon, excluding firearms, which are governed by Chapter 790, Florida Statutes.

SECTION 2. That Section 23-127 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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- (a) The City of Fort Lauderdale shall establish an application form for street artist and street performer permits. The application form shall include, at minimum, the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) A photograph of the applicant; and
 - (3) A description of the street art or street performance; ~~and~~
 - (4) ~~A specific site location for the street art display or street performance within the Riverwalk, as defined herein, or the sidewalk across from the public beach on the west side of Atlantic Boulevard (A1A), south of Poinsettia Street, and north of the Fort Lauderdale South Beach parking entrance, at or near 650 South Fort Lauderdale Beach Boulevard;~~
- (b) The application shall be signed by the applicant and shall state that the applicant is the individual that is the street artist or street performer.
- (c) The application shall also include a hold harmless agreement prepared by the City of Fort Lauderdale releasing the City of Fort Lauderdale and its employees from all claims and actions arising out of the street art and/or street performance on public property.
- (d) The permit under this article is not transferable.
- (e) An applicant may appeal a permit denial to the city manager of the City of Fort Lauderdale, as provided in section 23-130(b).
- (f) The fee associated with every initial permit application shall not exceed twenty-five dollars (\$25.00). Renewal of permits shall be provided and processed at no charge.
- (g) The permit shall be valid for a period of one (1) calendar year ~~month~~ and shall be renewed ~~monthly on the first of each month.~~ Permit

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~~applications submitted after the first of the month shall be valid for the remainder of that month with a renewal required for the following calendar month.~~

SECTION 3. That Section 23-128 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) Upon issuance of the permit, street artists and street performers ~~are permitted in one (1) location, as identified on the approved permit,~~ on the Riverwalk or the sidewalk across from the public beach on the west side of Atlantic Boulevard (A1A), south of Poinsettia Street, and north of the Fort Lauderdale South Beach parking entrance, at or near 650 South Fort Lauderdale Beach Boulevard, between the hours of 10:00 a.m. and 10:00 p.m.
- ~~(b) The use of the location as identified on the approved permit application shall be limited to the street artist or street performer permit holder for that location for the permitted calendar month.~~
- ~~(bc) The street artist or street performer permit holder shall engage in their activities at the location identified in the permit in such a manner that at all times there shall remain open for the passage of pedestrians~~A street artist or street performer must provide a space of at least three (3) feet in width, as measured on a straight line perpendicular to the curb line, between the edge of the sidewalk farthest from adjacent to the curb and the edge of the street artist or street performer's activities.
- ~~(cd) No street artist or street performer or their personal belongings shall be permitted to interfere with or obstruct the flow of pedestrian or vehicular traffic, including, but not limited to, ingress and egress to and from any residence or place of business, or obstruct any public right-of-way or entrances to buildings or other place of public accommodation.~~
- ~~(de) The street artist or street performer shall be at least~~maintain a minimum distance of twenty (20) feet from another street artist or street performer, except that a street artist or street performer

engaged in an audible performance must maintain a minimum distance of 120 feet from any other audible performance. A street artist or street performer shall maintain a minimum distance of 120 feet from any city-approved special event. When two of more street artists or street performers are performing in a proximity to each other that violates this subsection (d), only the street artists or street performers who arrived later in time are in violation this subsection. A street artist or street performer engaged in an audible performance shall discontinue the audible performance and relocate to another location when an audible performance on private property or at a city approved special event within 120 feet begins.

- (ef) Laura Ward Plaza shall be limited to one (1) street artist or one (1) street performer at any given time. Street artists or street performers may engage in street art, street performance, or both, at a particular location for a time period that does not exceed two (2) hours, including time for setting up and breaking down. At the conclusion of the two (2) hour period the street artist or street performer may relocate to another location that is at least 20 feet away from the prior location if the performance or art is inaudible or to another location that is at least 120 feet away from the prior location if the performance or art is audible.

SECTION 4. That Section 23-129 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) The street artist or street performer shall have the permit visibly displayed when on public property.
- (b) The use of spray painting in street art or street performance is only not permitted when unless during such use the street artist or street performer provides adequate ground cover, a wind screen, and confines the use of spray painting to an area not no greater than five (5) feet by five (5) feet, and otherwise. It is the responsibility of the street performer or street artist to ensures that the spray paint shall does not damage or implicate come into contact with property not involved in the subject art.

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- (c) The street artist or street performer shall maintain the Performance Area and the area within a ten (10) foot radius of the Performance Area ~~in which they are engaged in their activities, within a radius of ten (10) feet,~~ free of trash and debris, and deposit all trash and debris in proper receptacles.
- (d) The street artist or street performer shall comply with all applicable noise regulations, chapter 17 of the Code of Ordinances.
- (e) The street artist or street performer shall not create an undue interference with the passage of the public through the public rights-of-way. If the street artist or street performer attracts a crowd sufficient to obstruct the public right-of-way, a police officer or code compliance officer may disperse the crowd that is creating the obstruction. The officer may ask the street artist or street performer to temporarily suspend a performance or leave the location when such action is necessary to protect the public safety or public order.
- (f) The street artist or street performer shall not engage in the application of any form of permanent tattoos, or the insertion of indelible ink into the dermis layer of the skin to change the pigment thereof, or body piercing.
- (g) The street artist or street performer shall not display or offer for sale food or drink items.
- (h) The street artist or street performer shall not create a fire hazard, use fire, or use any incendiary devices or fireworks of any kind.
- (i) The street artist or street performer shall not include any manner of lewdness as defined in section 18-51, as may be amended.
- (j) The street artist or street performer shall not use any type of weapon.
- (j) The street artist or street performer shall not use or incorporate any animals in any street performance.

- (kl) The street artist or street performer may have one (1) sign no larger than ten (10) inches by fourteen (14) inches.
- (~~lm~~) The street artist or street performer shall maintain a minimum distance of ten (10) feet from the entrance or exit to any building, fire exit, bicycle rack, trash receptacle, or pedestrian crosswalks.
- (~~mn~~) The street artist or street performer shall not interfere with any motorist, including but not limited to impeding~~either regarding~~ the passage of a vehicle or interfering with the line of sight of a~~its driver~~ motorist.
- (~~no~~) The street artist or street performer shall not connect to any electrical outlets or other power sources owned by the City of Fort Lauderdale. All extension cords that traverse the rights-of-way are prohibited. All generators, vehicle batteries or any other power sources deemed hazardous to the public health, safety or welfare shall not be permitted.
- (~~op~~) The street artist or street performer shall not approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession.
- (~~pq~~) The street artist or street performer shall not make additional requests for money or ~~something~~ any other thing~~else~~ of value after the person solicited has given a negative response to the initial request.
- (~~qr~~) The street artist or street performer shall not engage in conduct that would reasonably be construed as intended to intimidate, compel, or force a solicited person to accede to demands.
- (~~rs~~) The street artist or street performer shall not touch a person without explicit permission of that person.

- (st) The city manager or his or her designee may cause the immediate removal or relocation of any street art and street performance in ~~emergency~~the following situations ~~for safety considerations~~:
- (1) Upon issuance of a severe storm, tropical storm or hurricane warning by the National Weather Service, the street artist or street performer shall cease all street art and street performances and remove all items associated with said street art and street performance. If required, the city may remove any and all personal belongings of the street artist or street performer remaining on the public right-of-way. All costs incurred by the city for removal and storage of these personal belongings shall be the responsibility of the street artist or street performer. All personal items shall be kept by the city for a period of thirty (30) days. After thirty (30) days, the city may dispose of the personal belongings. If any of the personal belongings are a threat to the health, safety or welfare of the public, they will immediately be disposed of by the city.
 - (2) If the location upon which the street artist or street performer is ~~set up is needed for~~ within the boundary of an area delineated for a city approved special event, or required for maintenance or repairs by the city or the city's contractor, or for any other city business, the city manager or his or her designee may temporarily prohibit the use of the area for street art or street performance. ~~or permanently relocate the street artist or street performer to a different location, or if no alternative is available, temporarily suspend the street art and street performance.~~ If required, the city may remove any and all remaining personal belongings of the street artist or street performer.

SECTION 5. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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SECTION 7. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance had not been adopted.

SECTION 8. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this the ____ day of _____, 2020.

PASSED SECOND READING this the ____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI