

Chapter 12 Section 12.16.170 Street Performers

A. Introduction.

The City Council ~~of the City of Cambridge (the "City")~~ finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes, ~~or to~~ the ability of businesses to conduct their businesses uninterrupted, or for the free flow of traffic and movement on public ways, public sidewalks, and other public pedestrian areas (collectively hereinafter referred to as "Public Ways"). This ~~section~~Section seeks to balance the interests of the performers with those of the residents and businesses of the City.

B. Enforcement.

The City Council designates the ~~Cambridge Arts Council~~Council (the "Arts Council") ~~of the City~~ to be the ~~agent~~department of the City primarily charged with the responsibility of supervising and enforcing the provisions of this ~~section~~Section.

AC. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting, ~~;~~ singing, ~~;~~ playing musical instruments, ~~;~~ pantomime, ~~;~~ juggling, ~~;~~ magic, ~~;~~ dancing, ~~;~~ reading, ~~;~~ reciting; puppetry, ~~;~~ and sidewalk art (working with non-permanent, water-soluble media, ~~i.e., such as~~ chalk, pastels, or watercolors, ~~etc.~~ directly on the pavement), ~~and reciting.~~

"Perform" shall not include the production of items for sale, such as jewelry making or craft production, but may include the creation of visual artworks that are demonstrated live in a large-scale performative manner.

2. "Performer" means a person who has obtained a permit~~Permit~~ pursuant to this ~~section~~Section.

3. "Public ~~a~~Areas" means ~~public~~ ways, including, sidewalks, parks, plazas, and playgrounds, ~~and other Cambridge pedestrian areas.~~

BD. Prohibition.

1. No person may perform in a ~~public~~ aArea without a permit~~Permit~~ issued by the Arts Council pursuant to ~~sub~~Subsection ~~CE~~ of this ~~section~~Section.

2. In accordance with the Cambridge Fire Department's (the "Fire Department's") rules issued~~promulgated by the Cambridge Fire Chief (the "Fire Chief") under~~ pursuant to his authority under G. L. c. 148, § 28 and the Code of Massachusetts Regulations promulgated pursuant thereto, the use of fire in a public assembly, including, but not limited to, street performing, is not permitted in the City of Cambridge (the "City").

CE. Permit.

1. A permit~~Permit~~ shall be issued by the ~~Cambridge~~ Arts Council to each applicant ~~therefore~~ in exchange for a completed application and a fee of forty dollars (\$40); the Permit application fee shall be reduced to twenty dollars (\$20) for applicants who are students and present a current, valid student photo identification from an accredited school, college or university with the completed Permit application; the Permit application fee shall be waived in its entirety for applicants who request an application fee waiver based on indigence or homelessness and submit an

affidavit signed under pains and penalties of perjury attesting to such indigent or homeless status at the time submitting the completed Permit application. Each applicant for a permit must present a valid photo identification at the time of submitting the application for a Permit.

2. A completed application for a ~~p~~Permit, ~~and the permit itself~~, shall contain the applicant's name, residential ~~lee~~ address, ~~and~~ telephone number, group name, if applicable, instrumentation, and type of performance; and shall be signed by the applicant.

3. A ~~permit~~Permit shall contain the performer's name; group name, if applicable; permit number; date issued; year in which the permit is valid; and a brief description of the type of performance permitted. A permit shall be valid from the date on which it is issued through the end of that calendar year.

4. A ~~permit~~Permit shall ~~not~~ be ~~non~~transferable, ~~and shall contain the permit number of the applicant and the year in which the permit is valid.~~ Each member of a group of performers performing group who ~~play~~ performs together shall be required to obtain an individual ~~permit~~Permit in person. Performing groups of four or more performers shall pay the sum total of one hundred and sixty dollars (\$160) or eighty dollars (\$80) in the case of performing groups which consist of performers who are all students in exchange for one permit per person in the group regardless of the total number of performers in the performing group. In no event shall any ~~group of performers performing group~~, identified as such in each of their permit applications and noted on their ~~permits~~, be charged more than one hundred and sixty dollars (\$160) total for non-students or eighty dollars (\$80) total for students for ~~permits~~ for ~~group~~ members of a group. All persons performers acquiring a permit for a group performance must perform as a group; group permits do not authorize individual performance. Each member of a student performing group must submit a valid student photo identification from an accredited school, college or university in person at the time of submitting their application for a group Permit.

5. Upon issuing a ~~permit~~Permit, the ~~Cambridge~~ Arts Council shall ~~also~~ give the performer a copy of this Section.

6. If a performer loses ~~their~~ his or her ~~permit~~Permit, one replacement ~~p~~Permit per calendar year may be obtained for a fee of fifteen dollars (\$15).

~~D~~F. Display of Permit.

1. A performer shall clearly display his or her ~~their~~ ~~permit~~Permit while performing, and shall allow inspection of the ~~permit~~Permit by any Cambridge ~~p~~Police ~~O~~fficer ("Police Officer") or staff person of the ~~Cambridge~~ Arts Council upon request. Refusal to allow inspection of a permit upon request by a Cambridge Police Officer or staff person of the Cambridge Arts Council, or refusal to display a permit, may result in the revocation of the permit.

~~E~~G. Permitted Performances.

1. Performances may take place in the following locations:

a. In ~~p~~Public ~~a~~Areas when not interfering with use of a park permit, special events permit, or regular use of playgrounds, except: within one hundred (100) feet of an elementary and/or secondary school, library, ~~or~~ church, synagogue, temple, mosque, or other house of worship while in session; or a hospital at any time; and any except public areas excluded by the City Council, the Commissioner of the Cambridge Public Works Department (the "Commissioner of Public Works"), ~~or~~ the ~~Chief of~~ Police Commissioner of the Cambridge Police Department (the "Police Commissioner"), ~~or the Fire Chief~~, pursuant to ~~sub~~Subsection HF of this ~~s~~Section;

b. On private property, with the written permission of the owner or other person in control of such property;

c. In ~~p~~Public ~~a~~Areas where an authorized street fair or public festival is being conducted, but only with the express permission of the sponsor or producer of such fair or festival.

2. Performances may take place at the following times:

~~a~~ Monday through Thursday, between 7:00 a.m. and 11:00 p.m.;

Friday, between 7:00 a.m. and 12:00 midnight; ~~p.m.~~

Saturday, between 7:00 a.m. and 12:00 midnight; ~~p.m.~~

Sunday, between 12 noon and 11:00 p.m.

~~b. In the public space at the intersection of Mt. Auburn Street and JFK Street, known as Winthrop Park, performances may take place at the following times:~~

~~Monday through Thursday, between 7:00 a.m. and 10:00 p.m.~~

~~Friday, between 7:00 a.m. and 11:00 p.m.~~

~~Saturday, between 8:00 a.m. and 11:00 p.m.~~

~~Sunday, between 12:00 noon and 10:00 p.m.~~

3. Sound and Noise Regulations:

a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels (80 db(A)) measured at a distance of twenty-five (25) feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as eighty decibels (80 db(A)) measured at a distance of twenty-five (25) feet from the performer or group of performers this sound level is not exceeded. Upon receipt of a complaint ~~by a resident~~, a designated staff person from the Cambridge Arts Council shall, with the permission of the ~~resident complainant~~, measure the sound level inside the ~~residential dwelling structure wherein the occupant has complained of noise from a street performance~~. If the sound level inside the structure wherein the occupant has complained of noise from a street performance exceeds a median sound level of fifty decibels (50 db(A)), and exceeds the background noise by at least ten decibels (10 Db(A)), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the ~~residence structure~~ so as to reduce the sound level to a level within these limitations. Background ~~noise will be measured using the L90 statistical value for this purpose shall mean L90. For the purpose of this Ordinance, L90 is the sound pressure level that has been exceeded 90 percent of the time; the level is taken to be the background sound pressure level.~~

~~b. It shall be prohibited to use prerecorded music as part of a performance, except as backup accompaniment to a live performance. All prerecorded music shall be turned off when the performer or group of performers is not performing. The volume of prerecorded music shall not exceed fifty (50) decibels db(A) on its own or eighty (80) decibels db(A) with music/audio accompaniment.~~

~~b~~c. Drums shall be inaudible at a distance of one hundred fifty (150) feet.

4. A performer or group of performers may not create an undue interference with the passage of the public through a ~~p~~Public ~~a~~Area. If a performer or group of performers attracts a crowd sufficient to obstruct ~~the a p~~Public ~~w~~Area as defined in this Ordinance Section, the performer or group of performers shall encourage the crowd to relocate and no longer obstruct the pPublic ~~Area~~ away. ~~a~~ ~~p~~Police ~~e~~Officer ~~or Cambridge Arts Council Staff~~ may disperse the portion of the crowd that is creating the obstruction. The ~~p~~Police ~~O~~fficer ~~or Cambridge Arts Council~~

Staff shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A Police Officer or Cambridge Arts Council Staff shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform ~~less within than~~ fifty (50) feet ~~off from~~ another performer or group of performers.

6. A Performer or group of Performers may request contributions ~~or of~~ money or property at a performance, provided that ~~no signs~~ requesting contributions shall not exceed twelve (12) inches by eighteen (18) inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings items of their own artistic works, ~~in the form of records, cassettes, videotapes or compact discs if said items directly relate to the performance for which they are permitted to perform.~~

7. On sidewalks, displays must not obstruct handicap accessibility ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than twenty percent (20%) of the width of the sidewalk from the property line of the premises in front of which the display is installed. Displays and/or performer setups must be located at least ten (10) feet away from business doorways. ~~Notwithstanding~~ Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this Section. A performer or group of performers shall leave the be required at all times to maintain four and one half (4 1/2) feet of sidewalk between their setup and the edge of the sidewalk for in order to allow for accessibility for persons with disabilities.

8. In Public Areas other than sidewalks, no such display shall exceed twenty-five (25) square feet, and it shall be prohibited to place a carpet, rug, blanket, tent or other such covering over grass in a Public Area. No tents may be erected in Public Areas without a tent permit from the Cambridge Fire Department. Any tent permit received from the Cambridge Fire Department must be current and on display at all times while any such tent is erected. Tables and chairs may be used as long as they do not exceed the maximum footprint outlined in this Ordinance.

9. Performance locations/spaces are first come, first served, and cannot be 'reserved' with equipment, apparatus, or by persons not permitted to perform. Live performance must take place at all times while a performer, or group of performers, is set up. Fifteen (15) minute breaks between sets are allowed once per hour.

10. It shall be prohibited to use public furniture, whether movable or immovable, or Public Art structures as part of a performance setup or for the storage of equipment, displays, supplies, or materials used in any performance.

FH. Exclusion of Public Areas.

1. A specific Public Area may be excluded from performances in accordance with constitutional standards by a decision of the City Council after a public hearing, notice of which shall be advertised once in a local newspaper and on the Cambridge Arts Council's website, no less than fourteen (14) days prior to said hearing. In addition, a written notice shall be sent to the Street Artists Guild Community Arts Advocates, Inc., or its successor(s), not less than ten (10) days prior to said hearing.

a. Based upon evidence presented to the City Council during its deliberations on the adoption of this Ordinance codified in this section, the City Council designated Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

~~b. Due to the proximity of Quincy Park to a residential area, a hotel, and a library, the City Council designates Quincy Park an excluded area, thereby prohibiting performances in that area.~~

~~c. During the major reconstruction of the Central Square area scheduled to begin during 1996, the City Council finds that, based upon evidence elicited at public hearing, issues of serious public safety will occur during said reconstruction of streets, sidewalks and infrastructure, and finds further that it will be necessary to temporarily exclude performances from said areas of reconstruction. The City Council hereby authorizes the City Manager or his designee to issue notices of exclusion from areas to be defined by the City Manager as the reconstruction proceeds. The City Manager shall report to the Council when the reconstruction has been completed.~~

2. ~~In the case of an emergency, By decision of the Chief of Cambridge Police Commissioner or the Fire Chief may prohibit a performer or group of performers from performing in a particular location. In the case of such an emergency, aAny holder of a license-Permit who disputes the need for said emergency exclusion-performance prohibition may appeal to the City Council for review.~~

3. ~~In the case of an emergency, By decision of the Commissioner of Public Works may prohibit a performer or group of performers from performing in a particular park or playground. In the case of such an emergency, regarding a park or playground, aAny holder of a license-Permit who disputes the need for said emergency performance prohibitionexclusion may appeal to the City Council for review.~~

~~G~~. Penalties.

1. Non-criminal Disposition.

Whoever violates any provision of this ~~section~~Section may be penalized by a non-criminal disposition as provided in G. L. c. 40, ~~s-§~~ 21D. For purposes of this ~~section~~Section, the following officials shall be enforcing persons: ~~p~~Police ~~O~~fficers and/or Cambridge Arts Council staff. The penalty for each violation will be twenty-five dollars (~~\$~~25).

2. Suspension of Permit.

The Cambridge Arts Council and/or the Cambridge ~~p~~Police Department may suspend a ~~permit~~Permit for no more than thirty (~~30~~) days if:

- a. a performer is found to have knowingly provided false information in the application; or
- b. a performer has received three (~~3~~) noncriminal dispositions within one (~~1~~) calendar year.

3. Revocation of Permit.

The Cambridge Arts Council may revoke a ~~permit~~Permit for the remainder of the calendar year if:

~~a. a~~ a performer has received five (~~5~~) non-criminal dispositions during that calendar year;

~~b. Aa~~ performer fails to clearly display his or her ~~permit~~Permits while performing; or

~~c. Aa~~ performer fails to allow inspection of his or her~~the~~ ~~permit~~Permit by any Cambridge Police ~~o~~fficer or any Cambridge Arts Council staff ~~member~~ upon request.

4. Before suspending or revoking a ~~permit~~Permit, the Cambridge Arts Council must hold a public hearing, after ten

(10) days' written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a permit unless all tickets issued pursuant to this Section from the previous calendar year(s) have been paid in full.

J. Regulations.

The Cambridge Arts Council shall have the authority to establish rules and regulations, with the approval of the City Manager, as may be appropriate or necessary for the implementation of this section.

K. Exclusivity.

The provisions of this section take precedence over any other City regulations or ordinances applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this section, this section shall govern. Sound levels generated by street performances shall be governed by this section and not by the Cambridge City Noise Ordinance.

L. Peace and Quiet.

A performance in accordance with this ordinance shall be presumed not to constitute a disturbance of the peace or quiet.

M. Severability.

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this section and the remainder of this section shall stay in full force and effect. (Ord. No. 1176, Revised, 04/22/96; Ord. No. 1176, Revised, 04/22/96; Ord. No. 1176, Revised, 04/22/96, ~~Ord. No. ??? Revised 12/19/16~~).

Chapter 12 Section 12.16.170 Street Performers

A. Introduction.

The City Council of the City of Cambridge (the "City") finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes, the ability of businesses to conduct their businesses uninterrupted, or for the free flow of traffic and movement on public ways, public sidewalks, and other public pedestrian areas (collectively hereinafter referred to as "Public Ways"). This Section seeks to balance the interests of the performers with those of the residents and businesses of the City.

B. Enforcement.

The City Council designates the Cambridge Arts Council (the "Arts Council") to be the department of the City primarily charged with the responsibility of supervising and enforcing the provisions of this Section.

C. Definitions.

1. "Perform" includes, but is not limited to, the following activities: acting; singing; playing musical instruments; pantomime; juggling; magic; dancing; reading; reciting; puppetry; and sidewalk art (working with non-permanent, water-soluble media, such as chalk, pastels, or watercolors, directly on the pavement). "Perform" shall not include the production of items for sale, such as jewelry making or craft production, but may include the creation of visual artworks that are demonstrated live in a large-scale performative manner.
2. "Performer" means a person who has obtained a Permit pursuant to this Section.
3. "Public Areas" means Public Ways, parks, plazas, and playgrounds.

D. Prohibition.

1. No person may perform in a Public Area without a Permit issued by the Arts Council pursuant to Subsection E of this Section.
2. In accordance with the Cambridge Fire Department's (the "Fire Department's") rules promulgated by the Cambridge Fire Chief (the "Fire Chief") pursuant to his authority under G. L. c. 148, § 28 and the Code of Massachusetts Regulations promulgated pursuant thereto, the use of fire in a public assembly, including, but not limited to, street performing, is not permitted in the City.

E. Permit.

1. A Permit shall be issued by the Arts Council to each applicant in exchange for a completed application and a fee of forty dollars (\$40); the Permit application fee shall be reduced to twenty dollars (\$20) for applicants who are students and present a current, valid student photo identification from an accredited school, college or university with the completed Permit application; the Permit application fee shall be waived in its entirety for applicants who request an application fee waiver based on indigence or homelessness and submit an affidavit signed under pains and penalties of perjury attesting to such indigent or homeless status at the time of submitting the completed Permit application. Each applicant for a Permit must present a valid photo identification at the time of submitting the application for a Permit.

2. A completed application for a Permit shall contain the applicant's name, residential address, telephone number, group name, if applicable, instrumentation, and type of performance, and shall be signed by the applicant.
3. A Permit shall contain the performer's name; group name, if applicable; Permit number; date issued; year in which the Permit is valid; and a brief description of the type of performance permitted. A Permit shall be valid from the date on which it is issued through the end of that calendar year.
4. A Permit shall not be transferable. Each member of a performing group who performs together shall be required to obtain an individual Permit in person. Performing groups of four or more performers shall pay the sum total of one hundred and sixty dollars (\$160) or eighty dollars (\$80) in the case of performing groups which consist of performers who are all students regardless of the total number of performers in the performing group. In no event shall any performing group, identified as such in each of their Permit applications and noted on their Permits, be charged more than one hundred and sixty dollars (\$160) total for non-students or eighty dollars (\$80) total for students for Permits for members of a group. All performers acquiring a Permit for a group performance must perform as a group; group Permits do not authorize individual performance. Each member of a student performing group must submit a valid student photo identification from an accredited school, college or university in person at the time of submitting their application for a group Permit.
5. Upon issuing a Permit, the Arts Council shall give the performer a copy of this Section.
6. If a performer loses his or her Permit, one replacement Permit per calendar year may be obtained for a fee of fifteen dollars (\$15).

F. Display of Permit.

1. A performer shall clearly display his or her Permit while performing, and shall allow inspection of the Permit by any Cambridge Police Officer ("Police Officer") or staff person of the Arts Council upon request. Refusal to allow inspection of a Permit upon request by a Police Officer or staff person of the Arts Council, or refusal to display a Permit, may result in the revocation of the Permit.

G. Permitted Performances.

1. Performances may take place in the following locations:

- a. In Public Areas when not interfering with use of a park permit, special events permit, or regular use of playgrounds, except, within one hundred (100) feet of an elementary and/or secondary school, library, church, synagogue, temple, mosque, or other house of worship while in session, or a hospital at any time; and any areas excluded by the City Council, the Commissioner of the Cambridge Public Works Department (the "Commissioner of Public Works"), the Police Commissioner of the Cambridge Police Department (the "Police Commissioner"), or the Fire Chief, pursuant to Subsection H of this Section;

- b. On private property, with the written permission of the owner or other person in control of such property;

- c. In Public Areas where an authorized street fair or public festival is being conducted, but only with the express permission of the sponsor or producer of such fair or festival.

2. Performances may take place at the following times:

Monday through Thursday, between 7:00 a.m. and 11:00 p.m.;

Friday, between 7:00 a.m. and 12:00 midnight;
Saturday, between 7:00 a.m. and 12:00 midnight;
Sunday, between 12 noon and 11:00 p.m.

3. Sound and Noise Regulations:

a. No performer or group of performers may generate noise exceeding a median sound level of eighty decibels (80 db(A)) measured at a distance of twenty-five (25) feet from the performer or group of performers. A performer or group of performers may use sound amplification as long as eighty decibels (80 db(A)) measured at a distance of twenty-five (25) feet from the performer or group of performers is not exceeded. Upon receipt of a complaint, a designated staff person from the Arts Council shall, with the permission of the complainant, measure the sound level inside the structure wherein the occupant has complained of noise from a street performance. If the sound level inside the structure wherein the occupant has complained of noise from a street performance exceeds a median sound level of fifty decibels (50 db(A)), and exceeds the background noise by at least ten decibels (10 db(A)), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the structure so as to reduce the sound level to a level within these limitations. Background Noise will be measured using the L90 statistical value.

b. It shall be prohibited to use prerecorded music as part of a performance, except as backup accompaniment to a live performance. All prerecorded music shall be turned off when the performer or group of performers is not performing. The volume of prerecorded music shall not exceed fifty (50) decibels db(A) on its own or eighty (80) decibels db(A) with music/audio accompaniment.

c. Drums shall be inaudible at a distance of one hundred fifty (150) feet.

4. A performer or group of performers may not create an undue interference with the passage of the public through a Public Area. If a performer or group of performers attracts a crowd sufficient to obstruct a Public Area as defined in this Section, the performer or group of performers shall encourage the crowd to relocate and no longer obstruct the Public Area. A Police Officer may disperse the portion of the crowd that is creating the obstruction. The Police Officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A Police Officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.

5. No performer or group of performers may perform within fifty (50) feet of another performer or group of performers.

6. A Performer or group of Performers may request contributions of money or property at a performance, provided that signs requesting contributions shall not exceed twelve (12) inches by eighteen (18) inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale items of their own artistic works if said items directly relate to the performance for which they are permitted to perform.

7. On sidewalks, displays must not obstruct accessibility ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than twenty percent (20%) of the width of the sidewalk from the property line of the premises in front of which the display is installed. Displays and/or performer setups must be located at least ten (10) feet away from business doorways. Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this Section. A performer or group of performers shall be required at all times to maintain

four and one half (4 1/2) feet of sidewalk between their setup and the edge of the sidewalk in order to allow accessibility for persons with disabilities.

8. In Public Areas other than sidewalks, no such display shall exceed twenty-five (25) square feet, and it shall be prohibited to place a carpet, rug, blanket, tent or other such covering over grass in a Public Area. No tents may be erected in Public Areas without a tent permit from the Fire Department. Any tent permit received from the Fire Department must be current and on display at all times while any such tent is erected. Tables and chairs may be used as long as they do not exceed the maximum footprint outlined in this Section.

9. Performance locations/spaces are first come, first served, and cannot be reserved with equipment, apparatus, or by persons not permitted to perform. Live performance must take place at all times while a performer, or group of performers, is set up. Fifteen (15) minute breaks between sets are allowed once per hour.

10. It shall be prohibited to use public furniture, whether movable or immovable, or Public Art structures as part of a performance setup or for the storage of equipment, displays, supplies, or materials used in any performance.

H. Exclusion of Public Areas.

1. A specific Public Area may be excluded from performances in accordance with a decision of the City Council after a public hearing, notice of which shall be advertised once in a local newspaper and on the Arts Council's website, no less than fourteen (14) days prior to said hearing. In addition, a written notice shall be sent to the Community Arts Advocates, Inc., or its successor(s), not less than ten (10) days prior to said hearing.

a. Based upon evidence presented to the City Council during its deliberations on the adoption of this Section, the City Council designated Brattle Street on both sides from the northerly side of Church Street to the northerly lot line of 76 Brattle Street as an excluded area, thereby prohibiting performances in that area.

2. In the case of an emergency, the Police Commissioner or the Fire Chief may prohibit a performer or group of performers from performing in a particular location. In the case of such an emergency, any holder of a Permit who disputes the need for said emergency performance prohibition may appeal to the City Council for review.

3. In the case of an emergency, the Commissioner of Public Works may prohibit a performer or group of performers from performing in a particular park or playground. In the case of such an emergency, any holder of a Permit who disputes the need for said emergency performance prohibition may appeal to the City Council for review.

I. Penalties.

1. Non-criminal Disposition.

Whoever violates any provision of this Section may be penalized by a non-criminal disposition as provided in G. L. c. 40, § 21D. For purposes of this Section, the following officials shall be enforcing persons: Police Officers and/or Arts Council staff. The penalty for each violation will be twenty-five dollars (\$25).

2. Suspension of Permit.

The Arts Council and/or the Cambridge Police Department may suspend a Permit for no more than thirty (30) days if:

a. a performer is found to have knowingly provided false information in the application; or

b. a performer has received three (3) noncriminal dispositions within one (1) calendar year.

3. Revocation of Permit.

The Arts Council may revoke a Permit for the remainder of the calendar year if:

- a. a performer has received five (5) non-criminal dispositions during that calendar year;
- b. a performer fails to clearly display his or her Permit while performing; or
- c. a performer fails to allow inspection of his or her Permit by any Police Officer or any Arts Council staff upon request.

4. Before suspending or revoking a Permit, the Arts Council must hold a public hearing, after ten (10) days' written notice to the performer setting forth the facts constituting the basis for the proposed suspension or revocation.

5. A performer may not receive a Permit unless all tickets issued pursuant to this Section from the previous calendar year(s) have been paid in full.

J. Regulations.

The Arts Council shall have the authority to establish rules and regulations, with the approval of the City Manager, as may be appropriate or necessary for the implementation of this Section.

K. Exclusivity.

The provisions of this Section take precedence over any other City regulations or ordinances applicable to street performances. To the extent other City regulations or ordinances are applicable and are inconsistent with this Section, this Section shall govern. Sound levels generated by street performances shall be governed by this Section and not by the Cambridge Noise Ordinance.

L. Peace and Quiet.

A performance in accordance with this Section shall be presumed not to constitute a disturbance of the peace or quiet.

M. Severability.

The provisions of this Section are severable, and if any part of this Section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this Section and the remainder of this Section shall stay in full force and effect. (Ord. No. 1176, Revised, 04/22/96; Ord. No. 1176, Revised, 04/22/96; Ord. No. 1176, Revised, 04/22/96).