

ORDINANCE NO.: 2011-015

*Granting an encroachment to City Center Partnership, Inc. for Sidewalk Entertainers*

WHEREAS, City Center Partnership, Inc. (hereinafter "Grantee") desires to have sidewalk entertainers on Main Street from Gervais Street to Laurel Street and the intersecting side streets from Sumter Street to Assembly Street, as reflected on the attached list, which may be amended and approved by the City Manager, or his designee, from time to time; and,

WHEREAS, sidewalk entertainers shall be selected and approved by Grantee and Grantee shall be responsible for the sidewalk entertainers' compliance with the conditions, restrictions and limitations set forth herein below; and,

WHEREAS, it appears that the granting of the sidewalk entertainers encroachments will not interfere with the use of the sidewalks or streets for pedestrians, traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 18th day of April, 2012 that Center City Partnership is allowed to have sidewalk entertainers Main Street from Gervais Street to Laurel Street and the intersecting side streets from Sumter Street to Assembly Street, as shown on the attached map.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the activities within the aforesaid encroachment.

*PROVIDED FURTHER that the privileges granted hereby are subject to the Grantee complying with the following conditions, restrictions or limitations:*

1. *Sidewalk entertainers shall be limited to music, dance, mimes, and theatrical presentations, but specifically excludes speeches, lectures and sermons, and shall be limited to performances suitable for listening, viewing or participation in by an unaccompanied minor.*

2. *It shall be unlawful for any sidewalk entertainer or group to give any kind of performance or entertainment without obtaining a permit from the City of Columbia Business License Division. The permit is \$15.00 per calendar year and must be displayed at all times during performances. If a sidewalk entertainer loses their permit, one replacement permit per calendar year may be obtained for a \$5.00 fee. All sidewalk entertainers or groups shall be licensed under the City Center Partnership, Inc.'s business license.*

3. *Sidewalk entertainers shall not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in sections 8-61 through 8-93.*

4. *Sidewalk entertainers shall not use a megaphone during a performance unless the performance is in conjunction with a city approved festival or event. Devices such as amplifiers for musical instruments shall be permitted provided their use is in compliance with City of Columbia Code sections 8-61 through 8-93.*

5. *Sidewalk entertainers shall not use pyrotechnics, fireworks, knives, animals, fire, projectiles or any other prop, device or material which might cause harm to or endanger pedestrians.*

6. *Sidewalk entertainers shall not violate the prohibitions on solicitation as set forth in Chapter 14.*

7. *Sidewalk entertainers shall not obstruct or cause to be obstructed pedestrian or vehicular traffic, including but not limited to not obstructing or causing to be obstructed sidewalks, doorways or other access areas. If a sidewalk entertainer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer may cause the sidewalk entertainer to leave the location if efforts to disperse the crowd fail and it is necessary to protect public safety or order.*

8. *Sidewalk entertainers shall provide the minimum pedestrian passageway on the sidewalk as required by the Americans With Disabilities Act, which is currently five feet.*

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9. Sidewalk entertainers shall obtain written consent to perform from the owner/manager of the business(s) and/or a representative of residential units in front of which the sidewalk entertainment is planned.

10. Sidewalk entertainers shall not perform within one hundred feet of an elementary and/or secondary school, library or church while in session or a hospital or funeral home at any time.

11. Sidewalk entertainers shall not perform on a street or sidewalk where sidewalk entertainment is not allowed.

12. Sidewalk entertainers shall not perform before the hour of 9:00 a.m. and after the hour of 10:00 p.m.

13. Sidewalk entertainers shall not consume nor be under the influence of alcoholic beverages or other controlled or intoxicating substances while performing.

14. Sidewalk entertainers shall not perform closer than 50 feet from another sidewalk entertainer or an approved sidewalk vendor unless the sidewalk vendor gives written approval.

15. No sidewalk entertainer may perform in a manner so as to interfere with a community event or festival (event resolutions and street closings) approved by the City, the holder of a parade permit. The sidewalk entertainment permit is subordinate, in all respects, to the rights of a holder of a business license, the rights of a community event or festival (event resolutions and street closings) approved by the City and the rights of a holder of a Parade Permit. If a sidewalk entertainer interferes with any of the foregoing, a law or code enforcement officer may order the performer to cease and desist immediately.

16. Sidewalk entertainers shall remove all props and other items from the sidewalk performance area during breaks and immediately after the performance ends. Trash and other debris shall be removed from the sidewalk performance area immediately after the performance ends.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

City Center Partnership, Inc. \_\_\_\_\_

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

Introduced: 4/10/2012

Final Reading: 4/18/2012

ATTEST:  
  
City Clerk

**APPROVED LOCATIONS FOR SIDEWALK ENTERTAINERS  
UNDER ENCROACHMENT ORDINANCE 2012-015  
TO CITY CENTER PARTNERSHIP, INC.**

**MAIN STREET**

- 1200 block mid-block in front of 1204 Main (UpTown Main)
- 1300 block mid-block in front of Arcade Mall  
Southeast corner of Main and Lady (First Citizen's green space)
- 1400 block
- 1500 block mid-block in front of 1508 Main (Cowboy Steakhouse)
- 1600 block Northwest corner of Main and Taylor (Mast General Store)  
Southeast corner of Main and Blanding (Tapp's Art Center)
- 1700 block

**SUMTER STREET**

- 1400 block mid-block in front of 1417 and 1419 Sumter (M-Café & Seven Doors)