

**SUBTITLE 15**  
**STREET ENTERTAINERS**

**§ 15-1. Definitions.**

(a) *In General.*

In this subtitle, the following terms have the meaning indicated.

(b) *Board.*

“Board” means the Board of Licenses for Street Entertainers.

(c) *{Repealed}*

(d) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(e) *Person.*

(1) *In general.*

“Person” means:

- (i) an individual; or
- (ii) a partnership, firm, association, corporation, or other entity of any kind.

(2) *Exclusions.*

“Person” does not include a governmental entity or and instrumentally or unit of a governmental entity.

(f) *Street.*

“Street” means any street, boulevard, road, highway, alley, lane, sidewalk, footway, mall, esplanade, or other way or place that is owned by the City or habitually used by the public.

(g) *Street entertainer.*

(1) *In general.*

“Street entertainer” means any person who, either alone or as part of a group:

- (i) performs on the streets of this City; and
- (ii) solicits, encourages, or accepts donations before, during, or after the performance.

(2) *Illustrations.*

“Street entertainer” includes a:

- (i) musician;
- (ii) juggler;
- (iii) mime;
- (iv) puppeteer;
- (v) unicyclist;
- (vi) clown;
- (vii) magician
- (viii) sword swallower;
- (ix) dancer;
- (x) poet;
- (xi) performance artist; or
- (xii) comedian.

(*Ord. 04-801; Ord. 06-191.*)

**§ 15-2. Mandatory, prohibitory, and permissive terms.**

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(*Ord. 04-801.*)

**§ 15-3. {Reserved}**

**§ 15-4. Board of Licenses established.***(a) In general.*

There is a Board of Licenses for Street Entertainers.

*(b) Composition.*

The Board comprises the following 7 members:

- (1) 4 members appointed by the Mayor in accordance with City Charter Article IV, §6; and
- (2) 2 members appointed by the President of the City Council; and
- (3) the Director of the Community Relations Commission or the Director's designee.  
*(Ord. 04-801; Ord. 06-191.)*

**§ 15-5. Board officers; expenses.***(a) Officers.*

The Board annually shall;

- (1) elect a Chair from among its members; and
- (2) appoint a Secretary.

*(b) Compensation.*

The members of the Board:

- (1) receive no compensation for services rendered as members of the Board; but
- (2) are entitled to reimbursement for necessary and proper expenses incurred in performing their duties as a member.  
*(Ord. 04-801.)*

**§ 15-6. Staff.**

The Board may appoint employees, assistants, and investigators as provided in the Ordinances of Estimates.  
*(Ord. 04-801.)*

**§ 15-7. Rules and regulations.***(a) Board to adopt.*

The Board shall adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

(Ord. 04-801.)

**§ 15-8. {Reserved}**

**§ 15-9. License required.**

No person may perform as a street entertainer without first having obtained a license to do so from the Board of Licenses for Street Entertainers.

(Ord. 04-801.)

**§ 15-10. Classes and scope of licenses.**

(a) *In general.*

In its rules and regulations, the Board shall:

- (1) designate various classes of licenses to be issued; and
- (2) for each class of license, specify:
  - (i) the types of entertainment that may be performed under the license;
  - (ii) the locations or areas for which the license is effective;
  - (iii) the days and times for which the license is effective; and
  - (iv) the maximum number of licenses to be issued for a particular location or area or for a particular day or time of day.

(b) *Required considerations.*

In designating classes and specifying limitations, the Board shall consider:

- (1) the volume and types of vehicular and pedestrian traffic in a proposed street entertainment location or area;
- (2) the proximity of schools, religious institutions, parks, or residencies to a proposed street entertainment location or area;
- (3) the number of licenses issued to the same person; and
- (4) the impact of street entertainment activities on the health, safety, and general welfare of the public.

(Ord. 04-801.)

**§ 15-11. Limitations and conditions.**

The Board may impose reasonable limitations on any license issued under this subtitle, as necessary or proper to carry out the purpose and intent of this subtitle.  
(*Ord. 04-801.*)

**§ 15-12. Applications.****(a) Form.**

An application for a license must be made in the form the Board requires.

**(b) Application fee.**

The application must be accompanied by a one-time, non-refundable application fee of \$25, to cover the cost of investigating and processing the application.

**(c) Contents.**

The application must contain:

- (1) the applicant's name and address;
- (2) the applicant's age;
- (3) the type of entertainment for which the license is sought;
- (4) the location or area for which the license is sought; and
- (5) any other information the Board requires.

**(d) Verification**

The application must be verified before a notary public or other officer authorized to administer oaths.  
(*Ord. 04-801; Ord. 06-191.*)

**§ 15-13. Term, renewal, fees.****(a) Term.**

Unless renewed, a license expires on the 1<sup>st</sup> anniversary of its effective date.

**(b) Renewal.**

Before a license expires, a licensee may renew it for an additional 1-year term, if the licensee submits to the Board a renewal application in the form the Board requires.

(c) *Fees.*

- (1) Except as specified in paragraph (2) of this subsection, no fee may be imposed for the timely renewal of a license.
- (2) If a licensee seeks to modify the terms of her or his license (e.g., location or type of entertainment), the renewal application must be accompanied by a one-time, non-refundable application fee of \$25.

(Ord. 04-801; Ord. 06-191.)

**§ 15-14. Entertainer identification.**

(a) *Board to issue.*

The Board shall issue an identification badge for each license issued.

(b) *Form and contents.*

The identification badge:

- (1) shall be of laminated plastic or other durable substance; and
- (2) shall bear:
  - (i) the name and address of the licensee;
  - (ii) the type of entertainment for which the license is issued;
  - (iii) the location or area for which the license is issued;
  - (iv) the days or times to which the license is limited;
  - (v) the year for which the license is issued; and
  - (vi) an identifying number that corresponds with the number of the license.

(c) *Entertainer to display.*

Each entertainer must prominently display the badge while entertaining.

(d) *Replacement badges.*

If a badge is lost, the Board shall issue a replacement badge on payment by the licensee of a \$10 fee.

(Ord. 04-801; Ord. 06-191.)

**§ 15-15. BOPA to assist.**

The Baltimore Office of Promotion and The Arts shall assist the Board by:

- (1) advertising and promoting the availability of licenses under this subtitle; and
  - (2) distributing to licensees the licenses and badges issued under this subtitle.
- (Ord. 06-191.)*

**§ 15-16. Prohibited conduct.**

A street entertainer may not:

- (1) set any fee or require any donation for his or her performance; or
  - (2) suggest any minimum or maximum donation.
- (Ord. 04-801.)*

**§ 15-17. {Reserved}****§ 15-18. Revocations and suspensions.**

(a) *Authorized suspension or revocation.*

The Board may suspend or revoke a license if the licensee violates any provision of:

- (1) this subtitle;
- (2) the rules and regulations adopted under this subtitle; or
- (3) any other applicable law of the State or City.

(b) *Mandatory revocation.*

On a street entertainer's 3<sup>rd</sup> violation of any provision, the Board must revoke the street entertainer's license.

(c) *Application following revocation.*

If a license is revoked, the former licensee may not apply for a new license until 1 year from the date of revocation.

*(Ord. 04-801.)*

**§ 15-19. Administrative appeals.**

(a) *Right of appeal.*

An aggrieved party may appeal to the Board of Municipal and Zoning Appeals:

- (1) the denial, suspension, or revocation of a license; or
- (2) any other decision or ruling by the Board of Licenses.

(b) *How and when taken.*

The appeal must be taken in writing within 10 days from the date of notice of the denial, suspension, revocation, decision, or ruling.

(c) *Hearing and decision.*

The Board of Municipal and Zoning Appeals:

- (1) shall hold a hearing on the appeal as soon as practicable; and
- (2) may affirm, modify, or reverse the action of the Board of Licenses.

*(Ord. 04-801.)*

**§ 15-20. {Reserved}**

**§ 15-21. Penalties.**

Any person who violates any provision of this subtitle or of the rules and regulations adopted under it is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

*(Ord. 04-801.)*