



STREET PERFORMER

A Performer is a person who Performs. Indicia of a Performer are seeking or accepting voluntary contributions through any means including - passing around a hat or leaving open an instrument case or other receptacle, soliciting, or accepting, directly or indirectly, donations after a performance, attempting to draw attention, convene an audience or engage onlookers as spectators or participants in a performance. Individuals who dress in a costume, pose for photographs and solicit or accept gratuities will be deemed performers and are subject to the rules and regulations pertaining to performers.

Performance

Perform means to engage in playing a musical instrument, singing, dancing, acting, pantomiming, puppeteering, juggling, engaging in magic, presenting or enacting a play, work of art, physical or mental feat or creating visual art.

The terms shall not include the application of substances to other persons, including, but not limited to, paints, dyes and inks, nor shall the terms include the provision of personal services that involve the touching of another, such as nail painting or hair weaving, braiding, cutting, or styling.

Expressive Material

Expressive Material means newspapers, periodicals, books, pamphlets or other similar written material. Expressive materials also means cassette tapes, compact discs, digital video disks, paintings on paper or fabric, photographs, sculpture and prints, but only if they have been created or composed by a Performer or Vendor.

Expressive Material shall not include the touching of other persons as in hair-braiding, hair-feathering, nail painting or any other touching, or the application of substances to other persons, including, but not limited to, paints, dyes and inks.

Performer Locations

10th Street to 27th Street

At the Street Ends from 10th to 27th performers may engage in expressive activities on a first-come, first-served basis.

South First to 9th Street (33 Designated Spaces)

Performers who wish to perform on the boardwalk in Designated Spaces from South 1st Street to 9th Street shall participate in a lottery once a week on Mondays. Spaces are available for two periods of use each week: Monday-Thursday and Friday-Sunday. Designated Space selection occurs one week in advance. No Performer can occupy the same Designated Space for more than two consecutive weeks. Lottery participants arrive at City Hall between 9:00-9:30 a.m. on the south side near the gazebo. The lottery will take place at 9:30 a.m. The Designated Space lottery process is in effect from May 1 through September 15 of each year.

Performing at **North Division Street & Dorchester Street** is prohibited

Performance Times

Performing is NOT allowed between the hours of 1:00 am thru 10:00 am.

Designated Space Rules

- Performers must affirm that the nature and scope of the activity in which they intend to engage constitutes a permissible performance.
- Performers must provide their name and nature and scope of activity.
- If the activity does not conform to the definition of permissible performing and vending as outlined in Chapter 62, the Clerk shall refuse to permit a person to select a space.
- No Performer may select a Designated Space on the same Street End for two consecutive weeks.
- Spaces can be shared between two Performers, concurrently or separately.
- The four corners of each space will be identified by a round pavement marker with the space number noted on each marker.
- A Performer having selected a Designated Space will have exclusive use of that area between the hours of 10:00 a.m. and 1:00 a.m. each day.

PERFORMERS SHALL NOT:

- Attempt to reserve a Designated Space in any fashion other than the selection system.
- Interfere with another's use of a Designated Space.
- Occupy more than one Designated Space at any given time or solicit another person to obtain or occupy an additional Space on others behalf.
- Purchase, sell, barter or exchange any Designated Space with any other person.
- Allow anything in his/her Designated Space to extend beyond the boundaries of the Designated Space.
- Place anything adjacent to his/her Designated Space or obstruct or impede the access areas between the Designated Spaces.
- Use permanent markings in any Designated Space.

General Performance Rules

- All Performers must keep clean and free of litter and debris the area in which they perform.
- Persons who are distributing Expressive Materials, but are not Vendors shall not be subject to the requirements of this Section.

PERFORMERS ARE ALLOWED TO:

- Mark a boundary of a space with a rope laid on the surface of the boardwalk.
- Use generators in any place on the Boardwalk where Performing.

PERFORMERS SHALL NOT:

- Use or obstruct access to any Town-owned or maintained property, equipment, or utilities including, but not limited to, street furniture, benches, planters, trash receptacles, or other structures or equipment installed on public property for purposes of Performing or Vending or for displaying anything whatsoever.
- Peddle non-expressive material on the Boardwalk.
- Place or allow any item exceeding 6' above ground.
- Allow any Street End or Designated Space to be enclosed.
- Affix props or equipment to the Boardwalk.
- Advertise, or employ an individual to advertise, a performance or Vending outside of the occupied Designated Space or Street End area.
- Touch other persons as in hair-braiding, nail painting or apply substances to other persons, including, but not limited to, paints, dyes and inks.
- Leave items unattended for a period of 15 consecutive minutes (Strictly Enforced).
- Performers can utilize an umbrella for sun shade; however, it must be removed at sundown. Signage or advertising on the umbrella is prohibited.
- Fuel or refuel Generators on the Boardwalk or store, or otherwise possess fuel on the Boardwalk not contained in the generator.
- Violate Subsection 30-271 of this Code (i.e. the "Noise Ordinance").
- Advertise, or employ an individual to advertise, a Performance outside of the Designated Space or Street End area which the Performer occupies.
- Connect to any municipal electric outlet for use in any display or Performance.
- Use nudity, pornographic materials, or obscenity in any display or Performance.
- Use animals while Performing, other than for legitimate purposes pursuant to the Americans with Disabilities Act (ADA).
- Use fire or similarly hazardous materials while Performing.
- Use other hazardous materials to include, but not limited to, knives, swords, or other sharply bladed instruments.

VIOLATIONS

Any person found to be in violation of a provision of the Street Performer Ordinance may be subject to a Municipal Infraction punishable by a fine of no less than \$100.00 and no more than \$1,000.00. (62-12)
Violators subject to a Municipal Infraction, who refuse to identify themselves (Name, Address, and Date of Birth) or cannot be positively identified are subject to arrest (1-8 d).

PANHANDLING

Panhandling is defined as any type of begging or accosting of others for money, services, food or any other objects; solicitation of money, services, food or any other objects for which any service or object is offered in return. It shall be unlawful for any person to panhandle by accosting another or forcing oneself upon the company of another within the corporate limits of Ocean City.(62-33)

J-1 STUDENTS are not permitted to perform or vend on the Boardwalk unsupervised for income.

Identifying information of all J-1 Students found in violation of Chapter 62 will be forwarded to the U.S. Department of State.

STREET PERFORMER LOCATIONS 10th to 27th (STREET ENDS)



ANY BUSINESS OWNER OR STREET PERFORMER WHO HAS ORDINANCE QUESTIONS SHOULD REQUEST AN OCEAN CITY POLICE SUPERVISOR FOR CLARIFICATION

TOWN OF OCEAN CITY ORDINANCE
(CHAPTER 62 - BOARDWALK PERFORMING AND VENDING)

April 4, 2016

