



BY-LAW 78-15

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-Law of the Corporation of the City of Cambridge to
licence, govern and regulate Buskers

WHEREAS Sections 150 and 151 of the Municipal Act, 2001, SO 2001, ch. 25 (herein, the Act) permits a municipality to provide for a system of licenses with respect to a business and the specific powers available to the municipality to regulate a business;

AND WHEREAS Council has determined that licensing buskers protects consumers as there is a record of license holders and the ability to hold buskers accountable where the performance is not conducted in accordance with the law

AND WHEREAS Council considers that buskers may interfere with pedestrian and vehicular traffic if inappropriately located and thus diminish the safety of drivers and pedestrians;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Corporation of the City of Cambridge enacts as follows:

1. DEFINITIONS

Busker shall mean a person who plays, acts, sings or otherwise performs or entertains for voluntary reward in a public place.

Busking includes, but is not limited to the following activities: acting, singing, playing musical instruments, juggling, magic, dancing, puppetry and reciting.

Cambridge means the Corporation of the City of Cambridge.

Clerk means the Clerk of the Corporation of the City of Cambridge or designate.

Council means the Council of the Corporation of the City of Cambridge.

Municipal Law Enforcement Officer means a person appointed by Cambridge City Council to administer and enforce By-Laws for the City of Cambridge.

2. GENERAL PROVISIONS

- a) Every busker operating within the Cambridge must obtain a license from the Clerk before beginning any performance within the municipality.
- b) This By-Law does not apply to buskers performing at municipally sanctioned events or events organized and hosted by a charity or non-profit community organization so long as they are participating with the permission of the event organizers.
- c) Fees for a licence shall be in accordance with the municipality's Fees and Charges and a licensee shall pay the prescribed fee prior to the issuance of a license.
- d) Any regulations that the municipality has in place that predates this By-Law related to the activity of busking is excluded from this By-Law.

3. LICENSES

- a) A busker license may be issued by the Clerk when the applicant has complied with all of the following requirements:
 - i) Buskers will require a permit with the applicable fee paid to the municipality.
 - ii) Buskers will sign a waiver form indemnifying the municipality in the event of any accidents during a performance.
 - iii) Busking in groups of up to four (4) performers is allowed and each performer must acquire a valid permit.
 - iv) Performers under the age of 16 must be accompanied by a parent/guardian at all times during performances.

4. GENERAL REGULATIONS

- a) Permits must be displayed at all times during the performance.
- b) Busking locations are permitted within the three Business Improvement Area boundaries as defined in Schedule A appended to this By-Law.
- c) No person shall use excessive external amplification when acting as a licensed busker.
- d) Every licensed busker may, at any time he/she is acting as a busker, display and offer for sale and sell audio/video recordings of their performance(s).
- e) No person shall act as a busker while a license issued under this By-Law is either suspended or revoked.
- f) High-risk or unsafe performances which may put the public and/or performers at risk are not permitted i.e. use of fire, sharp objects etc.
- g) All performances must be suitable for a general family audience.
- h) Buskers may receive donations but must not charge a minimum or set fee for their performances. Aggressive or persistent solicitation of donations is not permitted.

- i) Buskers (and their audiences) must not block sidewalks, business entrances, paths, bicycle routes, fire hydrants, bus stops and vehicular traffic.
- j) Buskers shall respect the businesses located in the downtown areas and perform so not to interfere or intrude on the operations. Should a business owner request that the performance be relocated, the busker must comply.
- k) Licensed busker performances taking place within the business improvement boundaries in Schedule A may take place between 10:00 a.m. and 10:00 p.m., seven days a week.
- l) Any equipment and/or props associated with a performance must be attended at all times and any damage to property will be the responsibility of the performer.
- m) Video recording and still photography of busker performances are permitted, however a sign must be displayed indicating that the performance and audience is being recorded and that persons present consent to their image being recorded.

5. FEES

- a) Every person that applies for a license shall pay the prescribed fee of ten dollars (\$10.00) which will be valid for the duration of a calendar year (January-December).
- b) Applicants must reapply each year and pay the prescribed fee.

6. ENFORCEMENT

- a) Upon request by law enforcement and/or a Municipal Law Enforcement Officer, a licensee shall comply and produce their licence certificate as per By-Law 92-14.
- b) Every person that contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

7. SEVERABILITY

- a) Each and every of the foregoing Sections of this By-Law is severable and that, if any provisions of this By-Law should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8. FORCE AND EFFECT

- a) THAT By-Law shall come into full force and effect on the date of final passing thereof.

Read a First, Second and Third time

Enacted and passed this 19th day of May, 2015

MAYOR

CLERK

Schedule A – Business Improvement Area Boundary Areas of
Galt, Hespeler and Preston