

Town of Oak Bluffs Street Performers Bylaw Requirements

No person may perform in a public area without a permit.

A street performers permit shall be issued to each applicant in exchange for a completed application and a fee of \$50.

The permit shall be valid from the date on which it is issued to the end of that calendar year.

The permit is nontransferable. Each member of a group of performers who play together shall be required to obtain an individual permit.

A performer shall clearly display his/her permit while performing and shall allow inspection of the permit by any officer authorized to enforce this article on request.

A performance may take place in the following locations: In public areas, except within 200 feet of an elementary school, secondary school, church while in session or a hospital open at any time, further to except within 25 feet of a public entryway of an open business and further to except public areas excluded by the Board of Selectmen or the Chief of Police.

Performances may take place in public areas where the Town has authorized a street fair or public festival to be conducted, with the permission of the sponsor of such fair or festival.

Performances may take place Monday through Saturday from 9:00 a.m. to 10:00 p.m. Sunday from 10:00 a.m. to 10:00 p.m.

No performer or group of performers may generate sound exceeding a sound level of 80 decibels measured at a distance of 50 feet from the performer or group of performers. The use of sound amplification equipment is expressly prohibited.

A performer may not create any interference with the traffic flow of the public through a public area.

If a performer attracts a crowd sufficient to interfere with traffic flow of the public through a public area or endanger the safety of the public or if said crowd becomes disorderly, the police officer shall first request that the crowd disperse or, if necessary, thereafter request that the performer leave the location.

No performer or group of performers may perform less than 75 feet from another performer or group of performers.

A performer may request contributions at a performance, provided that no sign request contributions shall be posted. Contributions may be received in a receptacle, such as an open musical instrument case, box or hat. The placement of any type of blanket or covering over any sidewalk or street during a performance shall be prohibited.

A specific public area may be excluded from performances by decision of the Board of Selectmen after a public hearing, notice of which shall be advertised once in a local newspaper no less than seven days prior to said hearing.

A specific public area may be excluded from performances by decision of the Chief of Police to adequately protect the public or to preserve order. Any permit holder who disputes the need for said exclusion may appeal to the Board of Selectmen for review.

This bylaw shall not apply to performances on town property sponsored or approved by the Board of Selectmen or to performances in any park sponsored or approved by the Parks Commissioners.

Noncriminal disposition. Whoever violates any provision of this article may be penalized by a noncriminal disposition as provided in MGL c.40, se. 21D. The penalty for each violation shall be \$50.

Suspension of permit. A performer who provides false information on the application may have his/her permit permanently suspended. If a performer is found to be in violation of any other provision of this article, the Chief of Police may suspend a permit for no more than 30 days. Any permit holder who disputes the suspension may appeal to the Board of Selectmen.

The provisions of this article shall take precedence over any other Town regulations or bylaws applicable to street performances. To the extent other Town regulations or bylaws are applicable and are inconsistent with this article, this article shall govern.

The provisions of this article are severable, and if any part of this article should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the article, and the remainder of the article shall stay in full force and effect.