

ORDINANCE O-4804

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE, THE REGULATION OF BUSKING, AND CREATING A NEW CHAPTER 11.85 OF THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, the Kirkland Municipal Code ("KMC") regulates
2 public disturbances and noise levels throughout Kirkland; and
3

4 WHEREAS, the City Council recognizes the expectations of
5 its community members to the enjoyment of peace and quiet in
6 their homes, in public open space areas, and the ability of
7 businesses to conduct their businesses without unreasonable
8 interruptions; and
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10 WHEREAS, the Council recognizes that reasonable time,
11 place, and manner restrictions on the practice of busking in
12 various public areas of Kirkland will balance the City's interests in
13 recognizing the expressive aspects of busking and the enjoyment
14 it can bring to many together with the commercial aspects of
15 busking and the challenges busking can sometimes present to
16 values such as peace and quiet and to business operations in the
17 absence of such restrictions; and
18

19 WHEREAS, the Council seeks to balance the interests of
20 buskers with those of community members and businesses in
21 Kirkland.
22

23 NOW, THEREFORE, the City Council of the City of Kirkland
24 do ordain as follows:
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26 Section 1. A new Chapter 11.85 of the Kirkland Municipal
27 Code is created to read as follows:
28

29 Chapter 11.85
30 Busking
31

32 **11.85.010 Purpose.**

33 This chapter establishes procedures for busking in the city of
34 Kirkland.
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36 **11.85.020 Police power.**

37 This chapter is hereby declared to be an exercise of the police
38 power of the city for the public peace, health, safety, and welfare
39 and its provisions are to be liberally construed.

40 **11.85.030 Definitions.**

41 The terms herein used, unless clearly contrary to or
42 inconsistent with the context in which used, shall be construed as
43 follows:

44 (a) "Busk" is the act of performing in a public area for voluntary
45 donations, including, but not limited to, the following activities:
46 acting, singing, playing musical instruments whether amplified or
47 not, pantomime, juggling, magic, dancing, and reciting. This does
48 not include the production of items for sale.

49 (b) "Busker" means a person who has obtained a permit
50 pursuant to this Chapter.

51 (c) "Park" means and includes all city parks and all areas within
52 the boundaries of a city park, including structures, regardless of
53 whether the area is under the management and control of the
54 Parks and Community Services Department.

55 (d) "Perform" is used interchangeably with "busk" which
56 includes, but is not limited to, the following activities: acting,
57 singing, playing musical instruments whether amplified or not,
58 pantomime, juggling, magic, dancing, and reciting. This does not
59 include the production of items for sale.

60 (e) "Public Areas" include sidewalks, parks, and all other public
61 rights of ways located in the City of Kirkland, as appropriate.

62
63 **11.85.040 Permit.**

64 (a) A busker shall obtain and display a permit at all times while
65 performing in a public area.

66 (b) A busking permit may be suspended or revoked if the
67 busker violates any provision of this chapter or any permit
68 regulation.

69 (c) Permit shall be nontransferable and shall remain the
70 property of the City.

71 (d) Each member of a group of performers shall be required
72 to obtain a busking permit.

73
74 **11.85.050 Busking in parks.**

75 The Director of the Parks and Community Services Department
76 is authorized and directed to adopt and promulgate rules as
77 deemed necessary, for the permitting of busking in parks as
78 defined in this chapter.

79
80 **11.85.060 Busking on sidewalks and rights of way.**

81 The Director of the Public Works Department is authorized and
82 directed to adopt and promulgate rules as deemed necessary for
83 the permitting of busking on sidewalks and rights of way as
84 defined in this chapter.

85 **11.85.070 Prohibition and restrictions.**

86 (a) It is unlawful for any person to busk in any public area
87 without first obtaining a permit.

88 (b) Unless otherwise specified, any other violation of this
89 chapter is a civil infraction, punishable by a fine of one hundred
90 fifty dollars (\$150.00) per violation; provided, however, that the
91 following escalating penalties shall apply to violations of this
92 section.

93 (1) A penalty of two hundred and fifty dollars (\$250.00) for a
94 second violation within the same calendar year as an initial
95 violation; and

96 (2) A penalty of five hundred dollars (\$500.00) for a third or
97 subsequent violation within the same calendar year as an initial
98 violation.

99 (c) A busker shall not block the passage of the public through
100 a public area. If a sufficient crowd gathers to see or hear a busker
101 such that the passage of the public through a public area is
102 blocked a police officer may disperse that portion of the crowd
103 that is blocking the passage of the public. A busker shall not be
104 asked to leave the location unless all other means of restoring the
105 public safety or order have been exhausted.

106 (d) A busker shall not perform in a public area so as to obstruct
107 access to private property, except with the prior consent of the
108 owner or manager of the property.

109 (e) No busker shall use profane, obscene, or lewd language or
110 imagery while performing.

111 (f) No busker may generate noise that can be heard fifty (50)
112 feet or more from the source as defined in KMC 11.80.090 and
113 KMC 11.84A.070.

114 (g) A busker may use amplification as long as the noise limit
115 is not exceeded.

116
117 Section 2. If any provision of this ordinance or its
118 application to any person or circumstance is held invalid, the
119 remainder of the ordinance or the application of the provision to
120 other persons or circumstances is not affected.

121
122 Section 3. This ordinance shall be in force and effect five
123 days from and after its passage by the Kirkland City Council and
124 publication pursuant to Section 1.08.017, Kirkland Municipal Code
125 in the summary form attached to the original of this ordinance and
126 by this reference approved by the City Council.

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Passed by majority vote of the Kirkland City Council in open meeting this 5 day of July, 2022.

Signed in authentication thereof this 5 day of July, 2022.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 07/11/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. 4804

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE, THE REGULATION OF BUSKING, AND CREATING A NEW CHAPTER 11.85 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Creates a new Kirkland Municipal Code Chapter 11.85 entitled "Busking."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 5 day of July, 2022.

I certify that the foregoing is a summary of Ordinance O-4804 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

ATTACHMENT A



Kirkland Parks and Community Services

Busking in Parks

Overview

The City of Kirkland recognizes the life, color, and interest that buskers bring to a public space. To balance the needs of park users, neighbors of parks, and the busking community, the following rules are in addition to all other rules/regulations in Kirkland Municipal Code 11.85 – Busking.

Busking Rules

1. A busking permit is required to busk in select Kirkland parks.
 - a. Annual Permit fee: \$150
 - b. Permits are valid until December 31st of the year for which they are designated.
2. Busking is only allowed at designated locations at select parks. Designated locations are posted on the Busking in Parks website (**URL TBD**).
 - a. Designated locations were selected to reduce conflict between buskers, park users, and those people who live or work near the park.
 - b. Busking locations are available on a first-come, first-serve basis.
 - c. Buskers shall not perform for longer than two (2) hours at any location. The time begins to count when a Busker initially occupies the busking location.
 - d. To allow for other buskers to access busking locations, upon completion of a two (2) hour set, buskers must vacate the location for at least one (1) hour prior to beginning a new performance at the same location.
 - e. Buskers are not allowed to hold a location by leaving equipment in place before or after a performance.
 - f. Requests for additional locations will be reviewed on a case-by-case basis.
3. Busking is only allowed during the times indicated for each designated busking location.
 - a. Busking hours may vary by location or time of year.
 - b. Busking is not allowed during permitted special events, unless written authorization is granted by the event organizer.
4. No busker may generate noise that can be heard fifty (50) feet or more from the source.
 - a. A permitted busker may use amplification as long as the sound limit is not exceeded.
 - b. The use of prerecorded music is prohibited, except as backup accompaniment to a live performance. All prerecorded music shall be turned off when not actively performing.
5. No commercial sales are allowed; however, donations may be accepted.
 - a. Contributions may be received in any receptacle.

6. No busker shall prevent the public from utilizing any public benches, waste receptacles or other street furniture during the performance.
 - a. A busker may occupy a park bench during a performance and not be in violation of this rule.
 - b. Buskers are not permitted to move or relocate any park equipment including but not limited to benches, picnic tables, waste receptacles, etc.
7. No busker shall use profane, obscene, or lewd language or imagery while performing.
8. No busker shall use any knife, sword, torch, flame, axe, saw or other object that can cause serious bodily injury to any person.
9. The use of park power outlets or portable generators is prohibited. Any electronic devices used as a part of a busking performance must be self-powered.
10. Buskers shall not ask or allow any observer, bystander, or audience member to engage in any activity that can cause serious bodily injury to any person, including, but not limited to, acrobatics, tumbling, or cycling.
11. Buskers must obey all local, state, and federal laws and must comply with police officer directives to ensure public safety.
12. Buskers must follow all park rules and must comply with Parks and Community Services' staff directives.
13. A busking permit may be suspended, revoked, or denied based on repeated violations of park rules, if it is discovered a permit application contained false information, or violations of any other park rule(s). In extreme cases, a busker may be trespassed from park(s) for up to one (1) year. The Director shall provide written notice to affected parties within thirty (30) days.