

Ordinance #O-12-28

**An Ordinance AMENDING CHAPTER 110.39 OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS.**

Adopted by the City Council of the City of Galena this 26<sup>th</sup> Day of December 2012.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 26<sup>th</sup> Day of December 2012.

STATE OF ILLINOIS            )  
  )  
COUNTY OF JO DAVIESS    )

City of Galena

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, Jo Daviess County, Illinois.

I further certify that on the 26<sup>th</sup> Day of December 2012, the Corporate Authorities of said municipality passed and approved Ordinance No. O-12-28 entitled **AN ORDINANCE AMENDING CHAPTER 110.39 OF THE CODE OF ORDINANCES OF THE CITY OF GALENA, ILLINOIS** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O-12-28 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 26<sup>th</sup> Day of December 2012 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 27<sup>th</sup> Day of December 2012.

  
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Mary Beth Hyde  
City Clerk

(Seal)

Ordinance #O-12-28

**AN ORDINANCE AMENDING CHAPTER 110.39 OF THE CODE OF ORDINANCES  
OF THE CITY OF GALENA, ILLINOIS**

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**WHEREAS**, the City Council seeks to continue to encourage creative expression in public spaces while at the same time protecting the public health, safety and general welfare, and

**WHEREAS**, Chapter 110.39 of the Galena Code of Ordinances, Street Performers, regulates the performing of music or otherwise entertaining in public while collecting donations, and

**WHEREAS**, the City Council desires to update the Street Performers ordinance with attention to the constitutional protections of free speech and expression and in a manner consistent with the overall public interest.

**THEREFORE, BE IT ORDAINED** by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

**SECTION I:** The definition of "Street Performers" in Chapter 110.02, entitled "**DEFINITIONS**", of the Galena Code of Ordinances shall be replaced in whole with the following:

***STREET PERFORMER.*** A person engaging in a performance that includes, but is not limited to, the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, or creating visual art in its entirety as a performance.

**SECTION II:** Chapter 110.39, entitled "**STREET PERFORMERS**", of the Galena Code of Ordinances shall be replaced in whole with the following:

**§ 110.39 STREET PERFORMERS.**

(A) *Intent.* The City of Galena finds that street performers provide a public amenity that enhances the character of the community and seeks to encourage such performances in a manner consistent with the overall public interest. The City of Galena also recognizes that street performers seek to and do draw crowds to their performances. This can create safety problems by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses. This Chapter imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with the enjoyment of peace and quiet by residents in their homes or the ability of businesses to operate and conduct their business.

(B) *License required.* It shall be unlawful to perform in public without first obtaining a Street Performer License.

(1) An application for a Street Performer License shall be made to the City Clerk.

(2) The fee for a Street Performer License shall be \$25 per year. Said fee shall be paid at time of application.

(3) The Street Performer License shall be valid from the date of issuance through April 30.

(4) The license holder shall post the license in a conspicuous location at the location of the performance.

(5) The Street Performer License is non-transferrable.

(C) *Rules and Regulations.*

(1) It shall be unlawful to block or restrict an open public street or sidewalk at any time.

(2) Performing is limited to 10:00 a.m. to 8:00 p.m.

(3) No performer shall utilize any speaker, microphone or mechanical amplification device.

(4) No performer shall generate any sound by any means so that the sound is louder than seventy decibels (70dB) on the Capital A Scale of an ANSI approved sound level meter measured at a distance of 50 feet or more, either horizontally or vertically from the point of generation.

(5) No performer shall use any knife, sword, torch, flame, axe, saw, or other object that could cause serious bodily injury to any person.

(6) No performer shall construct, erect, or maintain any stage, platform, or similar structure for use during any performance.

(7) Performers may collect donations during or immediately following a performance, however no fee shall be charged for any performance.

(D) *Exemptions.* Performances or performers sponsored by or within a licensed street dance, fair, festival, carnival, circus, or similar event, and for the purpose of entertainment, when no solicitation for money is made shall be exempt from the license requirements of this section.

(E) *Penalty.* Any person who violates any of the provisions of this chapter or who knowingly furnishes false information on the license application shall be subject to a fine of not more than \$750. Each day any violation shall continue shall constitute a separate offense.

**SECTION II:** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

**SECTION III:** This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

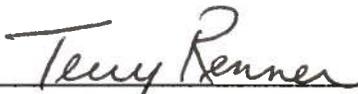
**SECTION IV:** Passed on this 26<sup>th</sup> day of December, A.D., 2012, in open session.

AYES: Cording, Fach, Greene, Lincoln, Renner

NAYS: None

ABSENT: Murphy, Painter

ABSTAIN: None

  
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TERRY RENNER, MAYOR

ATTEST:

  
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Mary Beth Hyde, City Clerk