



**SMITHS FALLS**

RISE AT THE FALLS



**Town of Smiths Falls  
Busker Policy**

## Table of Contents

Purpose of the Policy.....	3
Definitions .....	3
Prohibited Types of Busking .....	3
Application Process:.....	3
Applicants.....	3
Insurance .....	3
Voluntary Donations .....	4
Performance Areas.....	4
Prohibited Busking Locations .....	4
Busking Performance Times.....	4
Noise Restrictions .....	5
Safety and Respectful Use of Area.....	5
Complaints/Revocation of License.....	5
Enforcement.....	6

## **Purpose of the Policy**

Buskers provide an artistic experience, street culture and entertainment. The policy provides guidelines for busking activity within the Town of Smiths Falls and is to be used in conjunction with the Busking Permit Application Form.

## **Definitions**

Busking may be categorized as actively providing a public performance in a public space in exchange for a donation. Busking activities include a musical instrumental and/or singing, conjuring, juggling, mime, magic, dance, puppetry, performance art, recitation and other appropriate theatrical and visual forms. It may also include activities such as drawing any message, picture or representation on paper or canvas surface.

## **Prohibited Types of Busking**

- Acts with dangerous goods (includes the use of substances that are flammable, toxic or use hazardous implements such as swords, knives and whips); and
- Acts which include animals.
- Performances cannot contain any explicitly profane, insulting or obscene language, nor should it aim to discriminate against any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression or mental or physical disability.

## **Application Process:**

There is no interview or audition process required to engage in busking in the Town of Smiths Falls, however permits are required and are approved on a case by case basis. Applications for a busking permit are available for up to a 12 month period and are available for download at the Town of Smiths Falls website [www.smithsfalls.ca](http://www.smithsfalls.ca) or by pickup in person at the Town Hall.

All applicants are asked to read these Busking Guidelines and agree to the terms and conditions therein before a permit is issued. By accepting the permit, the applicant agrees to fully comply with all of the terms and conditions of the permit and the Busking Guidelines on the understanding that the permit may be suspended, cancelled or revoked on non-compliance of any condition contained within these Guidelines. Applications for a busking permit must be submitted to the Economic Development Office.

Buskers are required to display their permit at all times when carrying out activities. Permits are non-transferable and apply only to the nominated holder. The Town of Smiths Falls does not charge a fee for busking permit.

## **Applicants**

Buskers under the age of 16 must have parental or legal guardian consent. It is mandatory that children under this age have parental or legal guardian supervision at all times whilst performing.

## **Insurance**

Buskers are required to provide the municipality with proof of Commercial Liability Insurance in the amount of \$ 2 million, naming the Corporation of the Town of Smiths Falls as an additional insured.

## **Voluntary Donations**

Buskers may give audiences an opportunity to provide voluntary donations by placing a container on their site but in a way that doesn't constitute a tripping hazard. Buskers are not permitted to approach individuals requesting money or solicit funds in a way that is overtly offensive to members of the public. Buskers may receive monetary appreciation volunteered by an audience for their performance but may not solicit funds; Buskers require a business license to offer goods for sale.

## **Performance Areas**

Busking is applicable within all public spaces as detailed below:

### ***Parks:***

- Kinsmen Park (beside the Town Hall)
- In front of the Welcome Center

### ***In the Downtown areas as noted below:***

- Beckwith Street and Main Street (off the travel portion of the road)
- Beckwith Street and Russell Street (off the travel portion of the road)

Busking permits are necessary for those wishing to perform on municipal land and on private land.

Busking Permit Applications respecting performances in municipal parks will be reviewed by the Director of Community Services who is responsible for the municipal parks.

Busking Permit Applications respecting performances on privately owned land will need to obtain permission from the property owner. Any site may become temporarily unavailable due to an organized special event or construction.

In the case of an organized event, buskers should not attempt to associate themselves with that event unless otherwise advised or invited by an event organizer.

## **Prohibited Busking Locations**

The following locations are prohibited:

- Directly in front of shop doorways during business hours, businesses, dining areas and cafes, bus stops, fire escapes, roads, residential doorways and Automatic Teller Machines;

## **Busking Performance Times**

Buskers can only perform between 9:00 a.m. and 9:00 p.m. throughout the week.

Only one Busker performance per location.

Busker locations are not reserved and are available on a first come first serve basis.

Buskers can only perform for a maximum of four (4) hours per day at any one location.

Buskers are encouraged to take breaks. At the end of the four (4) hour maximum for that location, the busker must move to another location (and not return to the location again that day).

## **Noise Restrictions**

All buskers must adhere to the Noise By-law in addition to the following:

Activity should operate at a level:

- So that a passer-by would not have to strain their voice to be heard above the sound;
- It is not readily audible over other background noise when a person is more than two standard building frontages from the source of sound; and

Amplifiers, microphones and speakers are prohibited.

The sound levels from a performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity.

The use of any electrical equipment is prohibited.

The use of generators and strobe lights is prohibited.

The busker must cease performance immediately. Repeated excessive noise may result in the cancellation of a permit.

## **Safety and Respectful Use of Area**

Buskers are responsible for ensuring pedestrian flow and public amenity at all times.

Buskers must ensure free and safe access for pedestrians along any pathway, sidewalk or thoroughfares near the performance site and leave 1.5 meters of footpath for use by pedestrians. Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Buskers must not unreasonably interfere with pedestrian or vehicular traffic flow nor encourage audience formation in such a manner as to cause such interference.

Buskers must work to ensure that, neither themselves nor their audience, pedestrians or the general public are put at risk at any time during their performance.

Buskers must accept responsibility for any impact that their performance may have on other municipal services and activities.

Wheelchair access around a site must be maintained at all times. To enable unobstructed access and safety for people who are blind or have low vision, performing against the building line is not permitted.

Buskers must keep the site clean while they are working, ensure that their use of the site does not pose a threat to public safety and that the site is left in the condition that it was found.

## **Complaints/Revocation of License**

In the interests of creating and maintaining a lively, safe and entertaining community environment, the Town of Smiths Falls encourages self-regulation of busking activities. Complaints will be investigated on an individual basis and the appropriate course of action will be taken.

The busker must comply with all provisions of this policy. Should the busker not comply with the policy and by-laws of the Town of Smiths Falls, the municipality may be forced to suspend or cancel the permit.

Performers must immediately cease any activity and remove any performance equipment or materials at the request of a Smiths Falls Police Service Police Officer or any person designated by the Town for reasons of public safety.

The municipality may suspend a license for the following reasons:

- a) Holding of a special event
- b) Construction or maintenance of infrastructure
- c) Matters relating to pedestrian, vehicular, public safety or public health
- d) Complaints

### **Code of Conduct**

Performers must abide by the following code of conduct:

- To treat other licensed buskers with dignity and respect.
- To display his/her photo identification permit, supplied by the Town, in a clearly visible manner at all times while performing on site.
- Not to assign or transfer the permit.
- Not to aggressively solicit or interfere in any unwanted way with Town residents, businesses or visitors.

### **Enforcement**

During regular business hours (Monday to Friday 8:30 a.m. to 4:30 p.m.), this policy and its provisions will be enforced by the By-law Enforcement Officer.

All complaints and concerns outside of regular business hours will be directed to the Smiths Falls Police Service.



<b>Permit Number</b>	
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### Busking Permit Application

Please read the Busking Policy before completing this application.

<b>Application Details</b>	
Contact Name:	
Telephone:	
Email Address:	
Postal Address:	
<b>Activity</b>	
Character Name/Stage Name:	
Number of buskers (up to four per group):	
Please list the names of all the buskers in the group:	
Type of activity (i.e. singer with acoustic guitar, pavement artist, juggler):	
Proposed location of activity:	
Proposed time of activity:	
<b>Parental Consent (Applicants under the age of 16)</b>	
<p>The below parental consent is required for each busker in the group ages 16 years and under. I _____ (parent or guardian) of _____ (address) hereby consent to my child _____ (name) to busk in the Town of Smiths Falls.</p> <p>I understand that the Town of Smiths Falls provides no supervision for buskers and that all buskers must agree to adhere to the Town of Smiths Falls Busking Guidelines.</p>	
Signature:	Date:
Print Name:	
<b>Insurance</b>	
<p>The permit holder indemnifies Council against all suits, proceedings, judgements, claims, demands, costs, expenses, losses or damages for which Council becomes or may become liable in relation to the death or injury to any person or the damage to any property in connection with the busker activity as authorized by the permit whosoever arising, except to the extent that Council is negligent.</p>	
Proof of Insurance Included <input type="checkbox"/>	
<p>The Town of Smiths Falls is not liable for any injury, theft, or damage to either the busker or their property arising out of or pertaining to preparation for or participation in busking; whether such injury, theft, or damage occurred prior, during, or after their performance, the busker agrees to indemnify and hold the Town of Smiths Falls harmless for and against any claims for such injury, theft, or damage. All personal property, including, but not limited to, instruments, must be kept with the busker at all times.</p>	

**I have read the above clause and agree to the terms:**

**AGREE**

**DISAGREE**

\_\_\_\_\_

**Initial if agree**

**Declaration**

I/we declare that I am the applicant; and that all information in this application is true and correct. I have read and accepted the Busking Guidelines and the terms and conditions therein. I/we agree to comply with all permit conditions, local laws and all relevant legislation (see website for guidelines). I/we will ensure that the permit is not transferred or assigned to another party. I acknowledge that failure to comply with these conditions will result in cancellation of the permit

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Dated: \_\_\_\_\_

**Contact**

Please forward your application to:

Town of Smiths Falls

77 Beckwith St N

Smiths Falls, ON K7A 2B8

**Office Use Only:**

Assessment	Yes	No
Activity approved:		
Parental consent (if under 16):		
Insurance:		
Read and accepted the Busking Guidelines:		





Buskers will:

Respect the right of businesses, residents and tourists to operate without undue disturbance by entertainers.

Exhibit good conduct and character while performing (no nudity, swearing, performing while intoxicated etc.)

Ensure that the performance is suitable to general family audience.

Abide by all municipal by-laws and all federal and provincial statutes and regulations while performing.

Not solicit donations; however unsolicited donations are permitted in a receptacle such as a musical instrument case, box or hat.

*I have read and understood the buskers Code of Conduct.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Guardian*  
*(for Buskers under the age of 18)*

\_\_\_\_\_  
*Date*