

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2016-092

A By-law regarding solicitation on public property (Busker and Tag Day By-law), and repealing by-laws 145-1994, 084-1998, 114-2008 and 2009-120

Whereas by-laws 145-1994, 084-1998, 114-2008 and 2009-120 were adopted under section 236 of the previous Municipal Act, to regulate solicitation by charitable organisations on public streets and highways, which no longer exists;

Whereas the Ontario Safe Streets Act 1999, S.O. 1999 Chap. 8, was adopted to regulate solicitation on public streets and highways, and defines the term "solicit" (s.1);

Whereas a municipality is authorised to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and regulate various matters;

Whereas sections 150 and 151 of the Municipal Act, 2001, S.C. 2001 c.25 (herein, the 'Act') permits a municipality to provide for a system of licences with respect to a business and the specific powers available to the municipality to regulate a business and suspend a licence; and

Whereas it is deemed appropriate to regulate the performances by street performers and licence buskers within certain areas of the City of Cornwall;

Whereas it is deemed appropriate to simplify requests by recognised charitable organisation wishing to solicit contributions on public property, also known as Tag Days;

Now, therefore, the Council of The Corporation of the City of Cornwall hereby enacts as follows:

Definitions

1. In this by-law:

(a) "Charitable organisation" shall mean any organisation that holds an

official charitable organisation status under either the Federal or Provincial law.

(b) "Busker" shall mean any person and his or her employees or agents who entertain in a public space and seek donations for performances;

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

(d) "the City" shall mean The Corporation of the City of Cornwall.

General Provisions

2. This by-law may be known by the short title of the "Busker and Tag Day by-law".

Tag Days

3. Any recognised charitable organisation wishing to solicit contributions, also known as Tag Days, may request a proclamation from the Council of the Corporation of the City of Cornwall.

4. A recognised charitable organisation wishing to solicit contributions on public property (Tag Days) shall not require a permit unless they occupy one of the designated areas or involve street performers.

Busking

5. Every street performer (buskers) shall obtain a licence from the By-Law Division of the City before beginning any performance on public property within a described area.

6. 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, if they are participating with the permission of the event organizers.

7. The licence granted under this by-law shall be free of charge.

Licenses

8. The By-Law and Licensing Division is responsible for the administration and enforcement of the by-law.

9. Every person or organisation wishing to perform on public property in the described areas shall submit an application for a busker's licence to the By-Law and Licensing Division and comply with all of the following requirements:

i) A minimum of 10 days business days before their performance, submit all their contact information and a description of their proposed family-friendly and safe street performance;

ii) Perform only in locations identified as the "designated areas".

iii) Be of 16 years of age or older, or be accompanied by a parent/guardian at all times.

10. A busker's license shall be displayed at all time during their performance.

11. A busker's license is valid for six months from May to October each year.

12. Busking will not be permitted during special events/festivals, without prior permission from the City or event organizer.

General Regulations

13. Busking is permitted from 10:00 am to 10:00 pm each day. Buskers are required to rotate locations every 2 hours as per the schedule supplied with their permit and may only begin on the even hour. (i.e. 10:00 am, 12:00 pm)

14. The rotation every 2 hours shall be an honour system.

15. The designated areas for Busking are as follows:

i) Pitt Street, between Fourth Street and First Street

ii) Lamoureux Park

iii) Le Village, between Marlborough Street and Alice Street

16. Only one street performance is permitted per location at one time, in the designated areas, determined by the City or mutually agreed to by the

City and the BIAs, and identified by yellow paint.

17. Maximum number of performers per group shall not exceed 5 people.

18. Buskers shall demonstrate a reasonable degree of proficiency in their performances.

19. Buskers may receive donations but shall not charge a minimum or set fee for their performances.

Prohibitions

20. Aggressive or persistent solicitation of donations is not permitted.

21. All performances shall be suitable for a general family audience and shall conform to all City by-laws involving noise, traffic, construction or other, as well as Provincial and Federal laws.

22. Amplifiers are prohibited.

23. High-risk or unsafe performances which may put the public and/or performers at risk are not permitted.

24. Buskers may not use drugs or alcohol or appear intoxicated.

25. Buskers or their audiences shall not block sidewalks, paths, bicycle routes and roads.

Enforcement

26. The City reserves the right to remove any sign, banner or display that obstructs or interferes with pedestrian or traffic circulation, distracts drivers or that interferes with normal business activities of any merchant.

27. This by-law shall be enforced by the By-Law and Business Licensing Division during regular weekday work hours and the Police Department thereafter.

28. Random checks may be conducted to ensure that street performers display their licence and rotate locations every 2 hours.

Penalties

29. Any street performer failing to respect the honour system rotation may have their Licence confiscated for 2 days. Repeated violations may result in a suspension of the permit for the remainder of the season.

30. The City reserves the right, at its discretion, to halt performances for any reason at the request of the Cornwall Fire Department, Cornwall Police Service, the City's Traffic Engineers or the By-law Enforcement Division.

31. Every person who 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.

32. If a court of competent jurisdiction declares any provision or any part of a provision of this by-law to be invalid or unenforceable, the remainder of this by-law shall be enforced and shall be separately valid and enforceable to the fullest extent permitted by law.

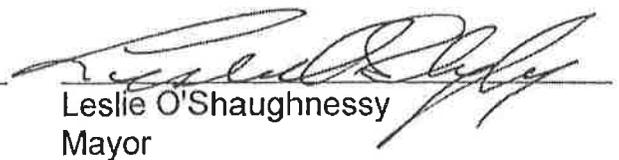
Repeal and Force

33. That by-laws 145-1994, 084-1998, 114-2008 and 2009-120 (Tag Day by-law and amendment), and any other amendments, be repealed.

34. This by-law shall come into force and effect on the date of passing.

Read, signed and sealed in open Council this 24th day of May, 2016.


Helen Finn
City Clerk


Leslie O'Shaughnessy
Mayor