

THE CORPORATION OF THE TOWN OF GANANOQUE  
BY-LAW NO. 2017-084

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BEING A BY-LAW TO LICENSE, REGULATE AND GOVERN BUSKERS

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**WHEREAS** Part IV of the *Municipal Act, 2001* authorizes the council of every local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

**AND WHEREAS**, Section 8.1 of the *Municipal Act, 2001* provides that a municipality may govern its affairs as it sees appropriate to respond to municipal issues.

**AND WHEREAS** Council considers it desirable to exercise its authority for the purposes of health and safety, nuisance control, and consumer protection;

**NOW THEREFORE** the Council of the Corporation of the Town of Gananoque enacts as follows:

**Title**

1. This By-law may be cited as the "Licensing and Regulating of Buskers By-law"

**Definitions**

**By-law Enforcement Officer:** shall mean a person or persons appointed by The Corporation of Town of Gananoque to enforce the provisions of this By-Law.

**Clerk:** shall mean the Clerk for The Corporation of Town of Gananoque.

**Council:** shall mean the Council of the Corporation of the Town of Gananoque.

**License:** shall mean a license issued under this by-law.

**Licensee:** shall mean a person who holds a license under this by-law, and "licensed" and "licensed business" have a corresponding meaning.

**Busker:** shall mean a person or group of persons who plays musical instruments, sings, dances, acts or otherwise provides entertainment and who seek donations for such performances. Busker **does not** include face painters, portrait artists, painters, crafts people, psychics or any person or artist who provides a service or produces a product.

**Town:** shall mean the Corporation of the Town of Gananoque.

**Administration**

1. The Economic Development Department is responsible for the administration and enforcement of this by-law.
2. Every application shall be complete and accompanied with the application fee.
3. The application fee will be set out in the General Fees and Rates By-law.
4. If it is determined that the applicant meets all the requirements of the by-law, a license will be issued. This license must be worn and visible at all time when performing.
5. If, at any time, it is determined that the operation of the license does not conform with the requirements of the by-law, the license may be suspended or revoked immediately.
6. A license is non-transferable.

**General Regulations**

1. The designated area for busker shall be located as follows:
  - a. Town Park – Thursday Evenings during the Farmers Market
  - b. Town Park – Anytime when it is not used by other groups/events/organizations

- c. Waterfront - 125 Water Street, East of former Historical Village buildings
  - d. Visitor Centre – 10 King St. - Front porch
2. Hours of operations shall be from 10:00 am to 10:00 pm daily.
  3. Buskers are required to move to another designated area (or within a designated area) every 2 hours.
  4. If the Town or authorized group by the Town has an organized event at any of the designated areas, no buskers are allowed to perform during the event, unless they obtain permission from the Economic Development Department to do so.
  5. One street performance is permitted to be at one location only.
  6. Buskers are permitted to use amplification no greater than 60 decibels or 18 watts.
  7. The amplification system must be battery operated only.
  8. No boom boxes, recorded or broadcast music is permitted.
  9. Buskers are only permitted to sell recordings or their original work only during the time of their performance.
  10. Buskers must in no way jeopardize the comfort and safety of others.
  11. Buskers must respect the wishes of nearby residents and businesses.
  12. Buskers and/or their audience may not block pedestrian flow or display windows or business entrances.
  13. Buskers will cease any activity and remove performance equipment or materials, which are located within the public street allowance at the request of a Gananoque Police Officer or By-law Enforcement Officer.
  14. Buskers must ensure that no equipment, props, or other materials used are left unattended at any time.
  15. Buskers must ensure that no aspect of the performance or any equipment or props used pose a danger or risk to the public.
  16. Buskers should be courteous in their behaviour and tidy in presentation.
  17. Signs, banners or displays that are not integral to the performance are not permitted.
  18. The Economic Development Department may suspend the license to any or all buskers, for the following reasons:
    - a. the holding of special events
    - b. the construction, maintenance or repair of public highways;
    - c. the installation, maintenance or repair of public utilities and services; or
    - d. matters relating to pedestrian, vehicular or public safety or public health.
  19. All statutory requirements, rules, regulations and by-laws of the Town and/or other authority, which in any manner affect or regulate to the use of public property with which it must be complied.
  20. That this bylaw comes into force and effect on the date of passing.
  21. That any By-law inconsistent with this by-law is hereby repealed.

**READ THREE TIMES** and finally passed this 7<sup>th</sup> day of November 2017.

  
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Mayor, Erika Demchuk

  
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Clerk, Kelly Shipclark