



# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
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Founded 1876  
Incorporated 1899

## ORDINANCE NO. 414 – VERSION 2

### AN ORDINANCE TO AMEND ARTICLE 8-3, “BUSINESS LICENSE TAX,” OF THE JEROME TOWN CODE, REGARDING PUBLIC PERFORMANCES, AND ADD NEW ARTICLE 8-6, “BUSKING.”

WHEREAS, it is the desire of the Mayor and Council to permit busking within Town limits under certain circumstances, and to amend the Town Code accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Section 8-3-1, “License Required; Definitions,” of Article 8-3, “Business License Tax,” of the Jerome Town Code is hereby amended by the addition of the following paragraph:

BUSKING, AS DEFINED IN ARTICLE 8-6 OF THIS CODE, SHALL NOT REQUIRE A BUSINESS LICENSE.

and a change in the Section title to “License Required; Definitions; EXCEPTIONS.”

Section 2. There is hereby added NEW Section 8-6, “Busking,” of the Jerome Town Code, to read as follows:

#### ARTICLE 8-6 BUSKING

##### 8-6-1 DEFINITIONS

##### 8-6-2 BUSKING RESTRICTIONS

##### 8-6-3 PENALTIES

##### SECTION 8-6-1 DEFINITIONS

“BUSKING” SHALL MEAN PLAYING MUSIC OR PERFORMING ENTERTAINMENT IN A PUBLIC PLACE, WHILE SOLICITING MONEY AND/OR ACCEPTING DONATIONS.

##### SECTION 8-6-2 BUSKING RESTRICTIONS

IN ORDER TO IMPOSE REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS ON STREET PERFORMERS TO THE EXTENT NECESSARY TO ENSURE THE SAFETY OF THE PERFORMERS, THEIR AUDIENCE AND THE GENERAL PUBLIC, AND TO PREVENT UNREASONABLE INTERFERENCE WITH THE ABILITY OF BUSINESSES TO OPERATE AND CONDUCT THEIR BUSINESS:

- A. BUSKING IS PERMITTED ONLY WITHIN THE GENERAL COMMERCIAL (C-1) AND LIGHT INDUSTRIAL (I-1) DISTRICTS.
- B. BUSKING IS PERMITTED ONLY BETWEEN THE HOURS OF 10:00 A.M. AND 10:00 P.M.
- C. BUSKING SHALL NOT BE CONDUCTED IN SUCH A MANNER AS TO INTERFERE WITH THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC.
- D. NO SOUND AMPLIFICATION DEVICES MAY BE UTILIZED.
- E. NO MERCHANDISE MAY BE SOLD OR TRADED.
- F. NO PERFORMER SHALL:
  - 1. USE ANY DEVICE THAT INVOLVES COMBUSTIBLES, INCLUDING PYROTECHNIC DEVICES AND / OR OPEN FLAMES WITHOUT EXPLICIT WRITTEN PERMISSION FROM THE FIRE CHIEF.
  - 2. USE FIREARMS DISCHARGING BLANK AMMUNITION, WITHOUT EXPLICIT PERMISSION FROM THE CHIEF OF POLICE.
  - 3. USE KNIVES, SWORDS AND SIMILAR INSTRUMENTS WITH A SHARPENED EDGE.
  - 4. ENGAGE IN ANY BEHAVIOR WHERE ITEMS ARE DISCHARGED OR THROWN AT UNSUSPECTING SPECTATORS AND/OR VEHICLES.
  - 5. UTILIZE ARIZONA STATE HIGHWAY 89A IN THEIR PERFORMANCES WITHOUT SPECIFIC WRITTEN PERMISSION FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION.
  - 6. PERFORM ON ANY STAIRS WITHIN THE PUBLIC PARKS.
  - 7. PERFORM WITHIN TEN (10) FEET OF THE OUTER EDGE OF ANY ENTRANCE TO A BUSINESS, INCLUDING, BUT NOT LIMITED TO: DOORS, VESTIBULES, DRIVEWAYS, EMERGENCY EXITS AND OUTDOOR DINING AREA ENTRANCES, DURING THE HOURS THAT SUCH BUSINESS IS OPENED TO THE PUBLIC OR IS OCCUPIED BY PERSONS CONDUCTING LAWFUL BUSINESS ON THOSE PREMISES.

SECTION 8-6-3 PENALTIES

ANY VIOLATION OF THIS ARTICLE SHALL CONSTITUTE A PETTY OFFENSE, AND SHALL BE SUBJECT TO A FINE OF UP TO \$100 FOR THE FIRST OFFENSE AND UP TO \$250 FOR A SECOND OR SUBSEQUENT OFFENSE.

Section 3. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 4. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 5. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2015.

\_\_\_\_\_  
Lew Currier, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Candace Gallagher, Town Manager/Clerk

\_\_\_\_\_  
William J. Sims, Esq.  
Town Attorney

Date of First Reading:	Date of Adoption:			
	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
Date Published:				
Date Posted:				

NOT ADOPTED