

CITY OF SALEM
DOWNTOWN STREET PERFORMER RULES & REGULATIONS
(10/2021)

The City finds that the existence in the City of street performers provides a public amenity that enhances the character of the City and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their businesses uninterrupted. These rules and regulations seek to balance the interests of the performers with those of the residents and businesses of the City.

A. Definitions.

1. "'Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. "Perform" shall not include the production of items for sale or services such as face painting or caricatures for which specific payment is requested, this is vending.
2. "Public areas" means public sidewalks and other publicly owned open space within the City of Salem's downtown, B5 zoning district. See zoning map at saalem.com/gis-and-maps.

B. Performances.

3. Performances may take place in the following locations:
 - a. In public areas, except within one hundred feet of an elementary and/or secondary school, library, or church while in session, a hospital at any time, and except public areas excluded by the Chief of Police pursuant to subsection C.
 - b. On private property, with the written permission of the owner or other person in control of such property; and
 - c. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival typically held on the Common, Derby Square and Charlotte Forten Park.
4. Performances may take place 11AM – 8PM Daily subject to restrictions set forth below.
5. Performers may not plug any electrical cord to a city pole or business, attach any rope, wire, poster or any other item to a City (or private) pole, bollard or building. Further, any necessary prop must be portable and easily moved at a moment's notice. A prop may not be left unattended on public property for any amount of time.

6. A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by twelve inches in size and no set fee shall be required. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window). Performers may not sell items.
7. Performers under the age of 16 shall be supervised by an adult.

C. Exclusion of Public Areas.

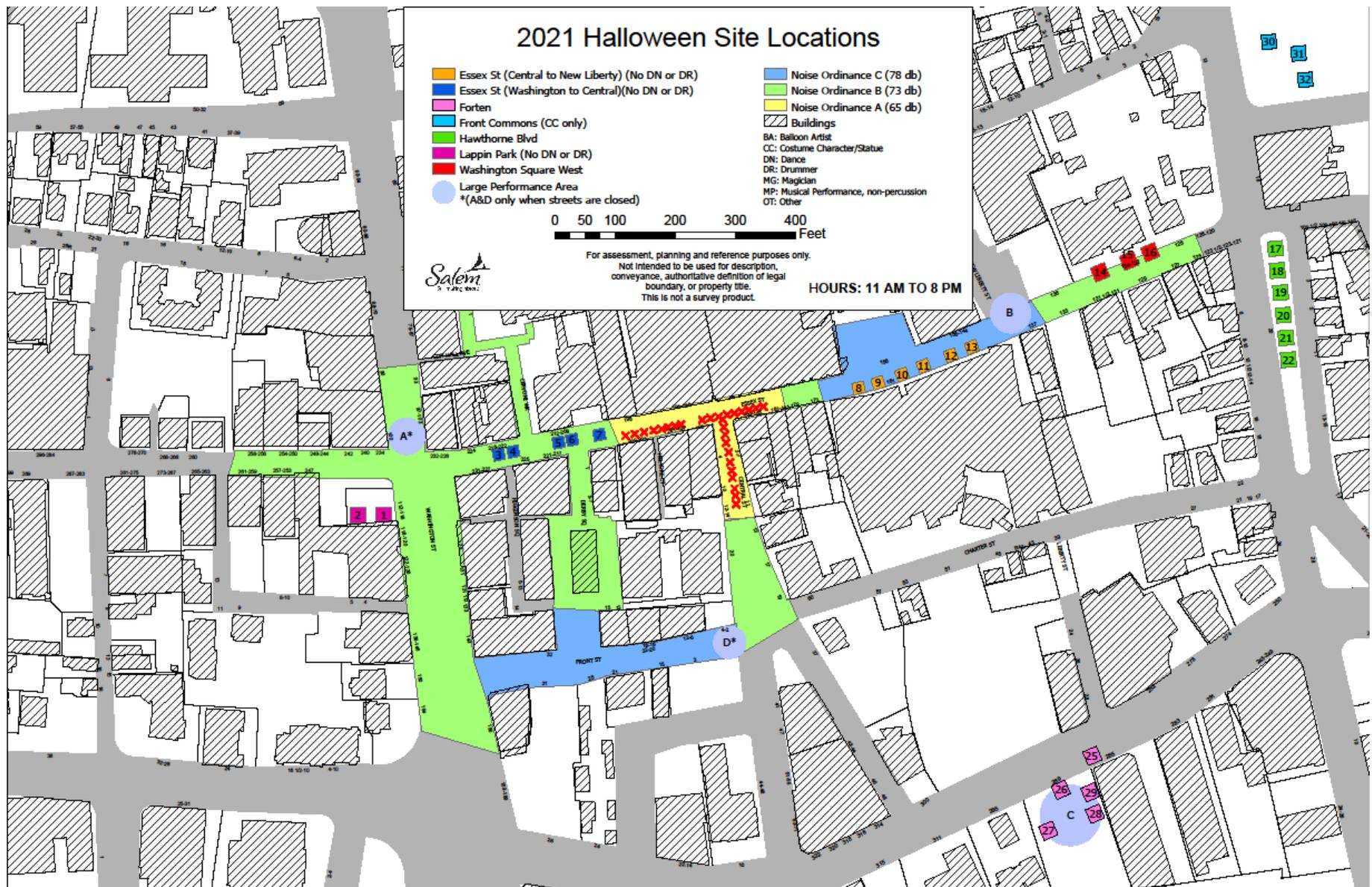
A specific public area may be excluded at any time from performances if the Chief of Police determines safety so warrants. (See map)

D. Prohibition.

1. The use of fire of any kind during the performance or the use knives or weapons regardless of authenticity is strictly prohibited.
2. No performer or group of performers may generate noise exceeding the designated sound level of the performance area measured at a distance of fifteen feet from the performer or group of performers. Performance areas shown on the attached map have accompanying maximum Db levels that may not be exceeded as well as time restrictions as follows:
 - a) Performers may not exceed 65 decibels between the hours of 8 p.m. and 4 p.m. the following day from Sunday at 8 p.m. through Friday at 4 p.m., between the hours of 8 p.m. Friday to 11:00 a.m. Saturday and between the hours of 8 p.m. Saturday to 11 a.m. Sunday upon the streets, sidewalks and public ways within the entirety of the Essex Street Mall and Adjacent Streets and Sidewalks;
 - b) Performers may not exceed 68 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays upon the streets and sidewalks between and including 181 and 198 Essex Street and between and including 11 Central Street and Essex Street;
 - c) Performers may not exceed 73 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays between and including 208 and 259 Essex Street, 173 and 179 Essex Street, 125 and 133 Essex Street, 13 Central Street and Charter Street, 93 and 155 Washington Street, Cervoni Walkway, and Derby Square from Essex Street to 13 Derby Square.
 - d) Performers may not exceed 78 decibels between the hours of 4 p.m. and 8 p.m. Monday through Friday and 11 a.m. to 8 p.m. Saturday, Sunday and Massachusetts State Holidays on Hawthorne Blvd, between and including 137 and 161 Essex Street and 15 Derby Square and Front Street.

Note: On occasion, City-sponsored programmed events are scheduled at various locations such as Derby Square, Charlotte Forten Park or the Salem Common. During these occasions, these areas are not open public performance spaces.

3. Upon a complaint by a resident, a designated staff person from the Salem Licensing Board shall, with the permission of the resident, measure the sound level inside the residential dwelling. If the sound level exceeds a median sound level of fifty decibels and exceeds the background noise by at least ten Db(A), the performer or group of performers causing the excessive sound level shall either turn down the music or move to a distance from the residence so as to reduce the sound level within these limitations.
4. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.
5. No performer or group of performers should perform less than twenty-five feet, with the exception of costume characters, balloon twisters or any other performer not generating excessive noise or spectators, from another performer or group of performers. A greater distance may be required if the performance demands a large area.



Sound Levels may not exceed the decibel level indicated on this map during the hours of **4:00 to 8:00 p.m.** Monday through Friday and **11:00 a.m. to 8:00 p.m.** on weekends and Massachusetts State Holidays. At all other times, the decibel levels shall not exceed **65** decibels. Areas covered by City Ordinance Chapter 22 Sec. 22-6 include the street, sidewalk and adjacent public spaces. Decibel levels shall be measured 15' away from the sound source.