

Town of Salisbury – Board of Selectmen

Street Performers Policy

The Board of Selectmen (the “Board”) finds that the existence in the Town of street performers provides a public amenity that enhances the character of the Town, and seeks to enhance 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 of the ability of businesses to conduct their businesses uninterrupted. This policy seeks to balance the interest of the performers with those of the residents and businesses of the Town.

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 public pavement), and reciting. “Perform” shall not include the production of items for sale or services such as face painting or caricature for which specific payment is requested.
2. “Performer” means a person who has obtained a License pursuant to this policy.
3. “Public areas” means public sidewalks, parks, playgrounds or areas where publicly organized play activities are conducted, public seating areas, or public parking spaces.

B. License

1. A License shall be issued by the Board of Selectmen to each applicant in exchange for a completed application that conforms with this policy and a fee of ten dollars (\$10).
2. A completed application for a License, and the License itself, shall contain the applicant’s name, residential address and telephone number, and shall be signed by the applicant.
3. An annual License shall be valid from January 1 through December 31.
4. A License shall be non-transferable and shall include the License number of the applicant and the calendar year in which the License is valid. If a group of performers seeks a License to perform in a public area, such group must obtain a Special Events permit from the Board.
5. Upon issuing a License, the Board shall also give the performer a copy of this policy.
6. If a properly-issued License is lost or stolen, it shall be replaced by the Town at no cost to the performer.

7. A performer shall clearly display his/her License while performing, and shall allow inspection of the License by the Board, any member thereof, or any designee of the Board.

C. Licensed Performances

1. Performances may take place in the following locations:
 - a. In public areas, except within one hundred (100) feet of Town Hall, the public library, any public school, or a church while services are in session;
 - b. On private property, with the written permission of the owner or other person in control of such property;
 - c. In public areas where an authorized public festival or community event is being conducted, with the permission of the sponsor of such festival or event.
2. Performances may take place between the hours of 11:00 AM and 8:00 PM only.
3. Performers may request contributions or donations of money at a performance, provided that no sign requesting contributions shall exceed twelve (12) inches by twelve inches in size. Contributions or donations may be received in any receptacle, such as an open musical instrument case, box or hat.
4. No sign or receptacle for contributions or donations shall obstruct a sidewalk, a handicapped ramp or parking space, any Town-sponsored activity, doorways or windows (e.g., performers shall not tape or post signs or posters on windows or lean displays in areas or in windows so as to cause an obstruction).
5. Performances shall not take place in any public area that is deemed by the Chief of Police to be a hazard to public safety, or during a public emergency. Any holder of a License aggrieved by this section may appeal the Chief's decision to the Board of Selectmen.

D. Prohibitions

1. The use of fire or fireworks, or the use of knives or weapons during a performance, regardless of authenticity, is strictly prohibited.
2. No performer may generate a noise exceeding 50 decibels measured at a distance of twenty-five (25) feet from the performer. A performer may use sound amplification as long as eighty (80) decibels measured at a distance of twenty-five (25) feet from the performer is not exceeded. Drums shall be inaudible at a distance of one hundred (100) feet.
3. On a noise complaint by any resident or business owner or business manager, a designated employee of the Town shall measure the sound level of the performance according to the standard listed above. If the sound level exceeds this standard, the performer causing the excessive noise level shall either turn down any music being played or move to a distance so as to reduce the sound level to within the above-referenced 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 a 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 and order. A police officer shall not ask the performer to leave the location unless all other means of restoring public safety or order have been exhausted.
5. A performer may not interfere in the reasonable operation of business during the hours in which such business is optn.
6. No performer may perform less than twenty-five (25) fee from another performer or any event that has received a Special Events License from the Board of Selectmen. A greater distance may be required if the performance demands a large area.
7. No performer may utilize a public power source, such as an electric light pole, to provide power or amplification to any performance.

E. Suspension and Revocation of License

1. The Board of Selectmen may suspend a License for a period of time, including for the remainder of a calendar year, and may revoke a License upon its own initiative, or upon written complaint from a resident or business owner, if a performer violates provisions of this policy. Before revoking any License granted under this policy, the Board of Selectmen shall conduct a public hearing, after providing the performer with ten (10) days written notice of such hearing. Such notice shall set forth the facts constituting the basis for the proposed revocation.

This policy was adopted by a vote of the Board of Selectmen on MAY 24, 2021 and is effectively immediately.



Town of Salisbury
5 Beach Road
Salisbury, Massachusetts 01952
Board of Selectmen
(978) 462-8232
APPLICATION FOR LICENSE

License Type: **STREET PERFORMERS LICENSE**



Date: _____ Amount Due: \$10.00
(Payable: Town of Salisbury)

Paid: Chk: ☐ # _____ or Cash: ☐

Name to Appear on Permit _____

Type of Performance _____

Hours & Days of Operation: _____

Location of Performance: _____

Mailing Address: _____

Applicant's Name _____

Tel. # _____

Applicant's Address: _____

Applicant Email address _____

Certification Clause: I certify, under penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

x _____

*Signature of Individual or Corporate Name(mandatory)

x _____

By: Corporate Officer

Social Security Number or Federal ID Number: _____

Comments by Processor: _____

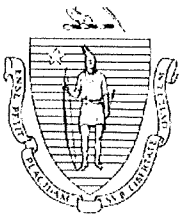
Approvals Required: PP Acct: _____ Map _____ Parcel _____

Treasurer: _____ Date: _____ Bldg Inspector: _____ Date: _____

Other approvals as applicable: Health Officer: _____ Date: _____

Fire Dept: _____ Date: _____ Police Dept.: _____

All applicants must complete the attached Commonwealth of Mass. Worker's Compensation Affidavit.



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111-1750
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

1. ☐ I am an employer with _____ employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under § 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to 250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

1. ☐ Board of Health
2. ☐ Building Department
3. ☐ City/Town Clerk
4. ☐ Licensing Board
5. ☐ Selectmen's Office
6. ☐ Other _____

Contact Person: _____ Phone #: _____