



City of  
**Santa Monica**  
Revenue Division  
PO Box 2200  
Santa Monica, CA 90407-2200

P: 310-458-8745 • F: 310-451-3283  
E: [business.license@santamonica.gov](mailto:business.license@santamonica.gov)  
W: [santamonica.gov/businesslicense](http://santamonica.gov/businesslicense)

## PERFORMANCE PERMIT APPLICATION

### OFFICIAL USE ONLY

BL #:

Fees Paid: \$ \_\_\_\_\_

Paid By:

Ca.  Ck # \_\_\_\_\_  AMEX  
 Visa  Disc.  MC  Web

Date Paid: \_\_\_\_\_

Processed by: \_\_\_\_\_

### Santa Monica Performance Permit Period—January 1 through December 31

There is no proration for a performance permit issued after the start of a permit period. A performance permit will expire on the next December 31st after it was issued. (SMMC 6.112.040(b))

### APPLICANT INFORMATION

Full Legal Name:

Address:

\_\_\_\_\_  
Number Street Unit # City State Zip

Phone:

Alternate Phone:

Email:

Date of Birth	Month			Day			Year			Which most accurately describes you?			
										<input type="checkbox"/> M	<input type="checkbox"/> F	<input type="checkbox"/> Non-Binary	<input type="checkbox"/> Write in Preference: _____
Identification #		State of Issuance		Exp. Date		Hair Color		Eye Color		Height		Weight	
										FT: IN:			

**Note:** Photo Identification examples: Driver's License, Student ID Card, Passport or other acceptable ID with photo.

1.	Are you under the age of 16?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>If yes, you must provide a copy of your Entertainment Permit from the California Department of Industrial Relations.</i>
2.	Have you ever been convicted of a sexual offense against a minor?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

*Any individual convicted of a sexual offense against a minor cannot perform or engage in any other similar activity on public property to entice a minor to congregate around that person.*

### PERFORMANCE DESCRIPTION

Please check all the boxes that apply to your performance.

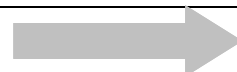
<input type="checkbox"/> Acting	<input type="checkbox"/> Dancing	<input type="checkbox"/> Juggling	<input type="checkbox"/> Magic Act	<input type="checkbox"/> Puppeteering
<input type="checkbox"/> Pantomiming	<input type="checkbox"/> Reciting	<input type="checkbox"/> Singing/Music	<input type="checkbox"/> Visual Art	<input type="checkbox"/> Other

Please describe your performance activity in detail:

Please describe any instruments or props that you will use during your performance:

SANTA MONICA PERFORMANCE PERMIT APPLICATION

Complete next page



**PLEASE NOTE:**

- 1. Street performance permits are non-transferable and permit fees are non-refundable.
- 2. Replacement fee for performance permits is \$37.00.
- 3. Performers are required to provide two(2) passport-size photos when submitting a performance permit application.

**MINORS**

If a minor is performing, a responsible adult(s) is required to be with the minor at all times that the minor is performing. Please enter the name of the responsible adult(s):

<i>Print Responsible Adult's first name</i>	<i>Last name</i>	<i>Identification #</i>
<i>Print Responsible Adult's first name</i>	<i>Last name</i>	<i>Identification #</i>

**ACKNOWLEDGEMENT & CONFIRMATION**

I have received a copy the Street Performance Packet, which includes Chapters 6.112 and 6.116 of the Santa Monica Municipal Code, the Administrative Instructions related to suspension/revocation of performance permit, the Lost/Stolen Performance Permit declaration form and the Notice of Violation Objection form.

\_\_\_\_\_(initials)

I agree to perform in the Third Street Promenade Performance District, The Transit Mall and the Santa Monica Pier in accordance with all of the provisions set forth in the Santa Monica Municipal Code.

\_\_\_\_\_(initials)

I certify under penalty of perjury that all statements made in this application are, to the best of my knowledge, true and correct, and that I have completed this application. I authorize the City of Santa Monica to verify all statements and information provided on this application.

\_\_\_\_\_

*Print First Name**Print Last Name*

\_\_\_\_\_

*Signature**Date*



**CITY OF SANTA MONICA  
STREET PERFORMANCE ORDINANCE  
MUNICIPAL CODE SECTIONS 6.112,  
6.116 & 3.74.010**

## **Chapter 6.112 STREET PERFORMERS**

[6.112.010 Purpose.](#)

[6.112.020 Definitions.](#)

[6.112.030 Rules and regulations.](#)

[6.112.040 Performance permit.](#)

[6.112.050 Special regulations for Third Street Promenade and Transit Mall.](#)

[6.112.060 Special regulations for the Pier.](#)

[6.112.065 Administrative regulations.](#)

[6.112.070 Penalties.](#)

[6.112.080 Exemptions.](#)

### **6.112.010 Purpose.**

The City Council 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 in a manner consistent with the overall public interest. The City Council also recognizes that street performers seek to and do draw crowds to their performance. This can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses. Cognizant that street performers are engaged in First Amendment activities, this Chapter imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 2713CCS § 1, adopted 9/13/22)

### **6.112.020 Definitions.**

For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) **Buffer Zone.** The sidewalks on Broadway, Santa Monica Boulevard, Arizona Avenue, and Wilshire Boulevard, between Second Court and Fourth Court.

(b) **Charge.** To require someone to pay a fee or to set, negotiate or establish a fee for a performance. Seeking voluntary contributions through passing around a hat, leaving open an instrument case or other receptacle, or soliciting donations after a performance is not a charge.

(c) **Community Event.** Any event that has obtained a community event permit pursuant to Santa Monica Municipal Code Chapter 4.68.

(d) **Handcrafts.** Objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing, and beading, including, but not limited to, objects such as jewelry, pottery, silver work, leather goods, and trinkets. Handcrafts are not likely to communicate a message, idea, or concept to others, are often mass produced or produced with limited variation, and often have functional utility apart from any communicative value they might have. Handcrafts do not include visual art.

(e) **Perform.** To engage in any of the following activities on public property: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, creating visual art in its entirety, or similar artistic endeavors. "Perform" shall not include: (1) the provision of personal services such as hair weaving or massage; (2) the application of substances to others' skin, including, but not limited to, paints, dyes, and inks; (3) the completion or other partial creation of visual art; (4) the creation of visual art which is mass produced or produced with limited variation; or (5) the creation of handcrafts. This list of exclusions is not intended to be exhaustive.

(f) **Performer.** An individual who "performs" on public property to provide public entertainment. Indicia of being a performer include, but are not limited to, setting up performance equipment; staging or orienting the performance towards the public; performing in the same location for an extended period of time; performing in the public for multiple days; seeking voluntary contributions through passing around a hat or leaving open an instrument case or other receptacle; and soliciting donations after a performance.

(g) **The Pier.** The Santa Monica Pier, consisting of both the Newcomb Pier and the Municipal Pier, protruding from the Santa Monica State Beach at the southwesterly terminus of Colorado Avenue, and extending for approximately two thousand one hundred thirty-five feet into the Santa Monica Bay. The Pier is divided into three performance areas: the Center Performance area, the Breezeway Performance area, and the General Performance area. The boundaries of each of these performance areas are delineated in Exhibit A to Resolution Number 9704 (CCS), or any successor resolution thereto.

(h) **Sculpture.** A three dimensional work of art which is created through shaping solid material such as wood, stone, clay or metal by carving, modeling, or similar methods.

(i) **Third Street Promenade.** Third Street, including the sidewalks on Third Street, between the southeasterly line of Wilshire Boulevard and the northwesterly line of Arizona Avenue, and between the southeasterly line of Arizona Avenue and the northwesterly line of Santa Monica Boulevard, and between the southeasterly line of Santa Monica Boulevard and the northwesterly line of Broadway.

(j) **Transit Mall.** The sidewalks on Santa Monica Boulevard and Broadway from the east side of Ocean Avenue to the west side of Fifth Street.

(k) **Visual Art.** Sculptures or drawings and paintings, applied to paper, cardboard, canvas, or other similar or technologically equivalent medium through the use of brush, pastel, crayon, pencil, stylus, or other similar object. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 4, adopted 7/20/99; Ord. No. 1959 CCS § 1, adopted 10/12/99; Ord. No. 1982CCS § 1, adopted 8/8/00; Ord. No. 2009CCS § 1, adopted 5/22/01; Ord. No. 2028CCS § 1, adopted 11/13/01; Ord. No. 2047CCS § 1, adopted 7/9/02; Ord. No. 2337CCS § 1, adopted 12/14/10; Ord. No. 2713CCS § 1, adopted 9/13/22)

### **6.112.030 Rules and regulations.**

(a) Subject also to Sections [6.112.050](#) and [6.112.060](#), no performer may perform:

(1) Within ten feet of any bus stop;

(2) Within ten feet of any street corner or a marked pedestrian crosswalk;

(3) Within ten feet of the outer edge of any entrance of any business, including, but not limited to: doors, vestibules, driveways, outdoor dining area entries, and emergency exits, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises;

(4) Within ten feet of the outer edge of any entrance to any residence;

(5) Within twenty feet of the outer edge of any stairs or ramp on the south side of the Pier;

(6) Within ten feet of the outer edge of the roadway leading to the Pier;

(7) On the wooden landing or wooden walkways immediately north of the Pier.

(b) No person may perform on the Third Street Promenade, the Pier, the Transit Mall, or in the Buffer Zone without first obtaining a performance permit issued by the City pursuant to Section [6.112.040](#) unless the performance is conducted on Monday through Friday prior to twelve noon and that day is not a holiday as defined in subsection (q) of this Section.

(c) A performer and the performer's equipment may not block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to observe a performer such that the passage of the public through a public area is blocked or obstructed, a Police Officer or Fire Official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a performer cannot conduct a performance in a location without blocking or obstructing the passage of the public, a Police Officer or Fire Official may cause the performer to leave the location or require that the performer relocate his or her equipment, but shall not prevent the performer from occupying another location in compliance with this Chapter.

(d) There shall be no charge for a performance. Money given for a performance shall be on a donation only basis. A performer shall perform whether or not the performer receives compensation for the performance. A performer may not charge a set fee for the performance or use aggressive measures to solicit donations. For purposes of this subsection, aggressive measures shall include: blocking or impeding the passage of the solicitee intentionally; touching the solicitee with the intent to intimidate or coerce; following the solicitee, going behind, ahead or alongside of him or her, with the intent to intimidate or coerce; threatening the solicitee, by word or gesture, with physical harm; or abusing the solicitee with words which are offensive and inherently likely to provoke an immediate violent reaction.

A performer shall not be required to obtain a vendor permit pursuant to Chapter 6.36 or a business license pursuant to Chapter 6.04. Other Federal, State, and local laws may apply to this activity and to sales, including, without limitation, local, State, and Federal tax laws. It is each performer's sole responsibility to ensure that he or she is familiar with and complies with such laws.

(e) No performer shall construct, erect, or maintain any stage, platform, or similar structure for use during any performance unless the stage or platform:

- (1) Is integral to the performance and the performance only takes place on the stage;
- (2) Does not exceed four feet by four feet and one-quarter inch in height;
- (3) Is removed from the public way when the performer is not performing;
- (4) Has beveled edges.

(f) No performer shall use any knife, sword, torch, flame, axe, saw, or other object that can cause serious bodily injury to any person, or engage in any activity, including, but not limited to, acrobatics, tumbling, or cycling, that can cause serious bodily injury to any person.

(g) No performer shall use any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard. No performer shall connect or maintain an electrical cord to an adjacent building or to a City power source.

(h) No performer may litter his or her performance site.

(i) No performer shall utilize or prevent the public from utilizing any public benches, waste receptacles, or other street furniture during the performance.

(j) No minor under the age of sixteen can perform unless the minor is at all times accompanied by a responsible adult eighteen years of age or older, has obtained an entertainment work permit issued by the Department of Industrial Relations of the State of California and maintains the permit in his or her possession at the time of the performance.

(k) No performer shall place any object on a public sidewalk which causes less than a four-foot contiguous sidewalk width being kept clear for pedestrian passage.

(l) No performer shall perform with more instruments, props, equipment, merchandise, or other items than the performer can reasonably transport and remove all at once within three minutes.

(m) No performer shall place his or her instruments, props, equipment, merchandise, or other items on a public sidewalk, public street, or public right-of-way for more than two hours without performing in accordance with the provisions of this Chapter.

(n) A performer shall stay with his or her instruments, props, equipment, merchandise, or other items at all times that these items are on a public sidewalk, public street, or public right-of-way.

(o) No performer shall perform in contravention of the allowable noise standards established by Chapter 4.12 and Chapter 6.116 of this Code.

(p) No performer shall block or obstruct a curb cut.

(q) The following formula establishes the special performance hours that apply during specified holidays on the Third Street Promenade, the Buffer Zone, the Transit Mall, and the Pier:

(1) If the holiday follows a weekend and the next day is a workday, then the holiday shall be treated as if it were Sunday and the day preceding the holiday shall be treated as if it were Saturday.

(2) If the holiday precedes a weekend, then the holiday shall be treated as if it were Saturday and the preceding day shall be treated as if it were Friday.

(3) If the holiday occurs during midweek, and is surrounded by workdays, then the holiday shall be treated as if it were Sunday and the day preceding the holiday shall be treated as if it were Friday.

The following is a list of holidays which trigger the application of this subsection: New Year's Day, President's Day, Memorial Day, Independence Day, Columbus Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day. The City Council may by resolution add to this list of holidays.

(r) No performer shall perform outside designated performance zones on the Third Street Promenade and the Pier, as established by resolution of the City Council. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 5, adopted 7/20/99; Ord. No. 1959CCS § 2, adopted 10/12/99; Ord. No. 2047CCS § 2, adopted 7/9/02; Ord. No. 2075CCS § 1, adopted 5-13-03; Ord. No. 2304CCS § 1, adopted 1/19/10; Ord. No. 2337CCS § 2, adopted 12/14/10; Ord. No. 2713CCS § 1, adopted 9/13/22)

### **6.112.040 Performance permit.**

(a) To receive a performance permit, a person must complete and file with the City a performance permit application on a form approved by the City. The applicant must provide the following information:

(1) The applicant's name;

(2) The applicant's address;

(3) **Proof of the Identity of the Applicant.** This identification must contain a photograph of the applicant. Acceptable forms of identifications shall include, but not be limited to, a driver's license, student identification card, or passport;

(4) A detailed description of the nature of the act to be performed;

(5) A detailed description of any instrument(s) or prop(s) which will be used by the performer(s);

(6) A minor under the age of sixteen shall provide a copy of an entertainment work permit issued to the minor by the Department of Industrial Relations of the State of California and shall identify the responsible adult(s) who will be with the minor at all times that the minor is performing.

(b) The performance permit will be issued annually commencing on January 1st of each calendar year.

(c) Upon receipt of a written application for a performance permit, a performance permit shall be approved

within three business days of the filing of a fully completed application, unless one of the following findings is made: (1) The applicant has knowingly made a false, misleading, or fraudulent statement of fact to the City in the application process;

(2) The application does not contain the information required by this Chapter;

(3) The applicant has not satisfied the requirements of this Chapter.

(d) In addition to requiring compliance with all provisions of this Chapter, the City may condition the approval of a performance permit on the applicant's compliance with other provisions of the City's Municipal Code which are applicable to the performance.

(e) The City may revoke or suspend a performance permit upon the commission of the second violation either of this Chapter, Chapter 3.74 of this Code, or of permit conditions within a six-month period, or one violation of the same if the violation posed serious risks to public safety, or one violation relating to a false, misleading, or fraudulent statement of fact in the performer's permit application. In any such case, the permit holder shall have the right to appeal from a decision of the City to revoke or suspend any permit in accordance with Chapter 6.16 of this Code. A performer's permit may be suspended for up to four months. If the performance permit of any performer is suspended, no new permit shall be issued during the period of suspension. Notwithstanding the above, if a performer's permit is suspended as a result of a false, misleading, or fraudulent statement of fact in the performer's permit application, the permit shall not be reinstated until the false, misleading or fraudulent statement is corrected by the performer. Any revocation of a performer's permit shall be for six months unless the performer previously had a performance permit revoked and the new violations of this Chapter or permit conditions relate to public safety, in which case, the permit shall be revoked for twelve months. No new permit shall be issued during a revocation period.

(f) No application for a performance permit or the renewal thereof shall be accepted unless the application is accompanied by a payment of a nonrefundable annual fee in an amount to be set by resolution adopted by the City Council.

(g) The performance permit shall include a photograph of the performer, shall not be assignable or transferable, and shall contain the permit number of the applicant and the year in which the permit expires. Each performer in a group shall obtain his or her own separate performance permit.



(h) A replacement performance permit may be obtained upon payment of a nonrefundable fee in an amount to be set by resolution adopted by the City Council.

(i) A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any City police or fire official on request.

(j) The City Council may by resolution adjust the noise limitations established in this Chapter during public holidays.

(k) When an applicant requests a performance permit application, the City shall also give the applicant a document which summarizes the rules and regulations concerning street performances in the City. This document may be, but is not required to be, a copy of this Chapter. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 6, adopted 7/20/99; Ord. No. 2047CCS § 3, adopted 7/9/02; Ord. No. 2145CCS § 1, adopted 11/23/04; Ord. No. 2451CCS § 1, adopted 12/10/13; Ord. No. 2713CCS § 1, adopted 9/13/22)

## **6.112.050 Special regulations for Third Street Promenade and Transit Mall.**

In addition to the requirements of Sections [6.112.030](#) and [6.112.040](#), no performer shall perform in the Third Street Promenade or the Transit Mall outside of an enclosed building in violation of the following requirements:

(a) Except as provided in subsection (q) of Section [6.112.030](#), no performer shall perform except during the following time periods:

- (1) Nine a.m. to eleven p.m. daily.
- (2) Eleven p.m. on Friday and Saturday to one-thirty a.m. of the following day.

(b) No performer shall perform within sixty feet of a community event unless the community event encompasses one or more City blocks in which case the performance shall be conducted according to any administrative regulations issued under this Chapter.

(c) No performer shall:

(1) Perform on the Third Street Promenade in any specific location or within that same block, for more than two hours in any six-hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision and subdivision (2) of this subsection (c).

(2) Perform on the Third Street Promenade on an even hour at the same location that he or she was performing on the preceding hour, or within that same block.

(3) Perform on the Transit Mall in any specific location or within that same block, for more than two hours in any six-hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision and subdivision (4) of this subsection (c).

(4) Perform on the Transit Mall on an even hour at the same location that he or she was performing on the preceding hour, or within that same block.

(5) Perform on the Buffer Zone in any specific location or within that same block, for more than two hours in any six hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision and subdivision (6) of this subsection (c).

(6) Perform in the Buffer Zone on an even hour at the same location that he or she was performing on the preceding hour, or within that same block.

(7) Perform within ten feet of a vendor operating pursuant to or under the authority of an approved license agreement or within forty feet of any other vendor or performance.

(8) Perform on the Transit Mall or in the Buffer Zone at a distance greater than five feet from the outer wall of any building or any permanent extension of the building such as a planter box.

(9) Perform on the Santa Monica Boulevard segment of the Transit Mall within twenty feet of the Third Street Promenade. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 7, adopted 7/20/99; Ord. No. 1959CCS § 3, adopted 10/12/99; Ord. No. 2009CCS § 2, adopted 5/22/01; Ord. No. 2028CCS § 2, adopted 11/13/01; Ord. No. 2047CCS § 4, adopted 7/9/02; Ord. No. 2075CCS § 2, adopted 5-13-03; Ord. No. 2713CCS § 1, adopted 9/13/22)

### **6.112.060 Special regulations for the Pier.**

In addition to the requirements of Sections [6.112.030](#) and [6.112.040](#), no performer shall perform on the Pier outside of an enclosed building in violation of the following requirements:

(a) Except as provided in subsection (d) of this Section and subsection (q) of Section [6.112.030](#), no performer shall perform except during the following time periods:

(1) Eight a.m. Monday through Thursday to one a.m. of the following day.

(2) Eight a.m. on Friday to one a.m. the following Saturday.

(3) Nine a.m. on Saturday and Sunday to one a.m. of the following day.

(b) No performer shall perform within sixty feet of a community event.

(c) No performer shall:

(1) Perform after one p.m. at the same location that he or she was performing prior to one p.m. or within one hundred fifty feet of that location.

(2) Perform after four p.m. at the same location that he or she was performing prior to four p.m. or within one hundred fifty feet of that location.

(3) Perform after seven p.m. at the same location that he or she was performing prior to seven p.m. or within one hundred fifty feet of that location.

(4) Perform on the Pier in any specific location or within one hundred fifty feet of that location for more than three hours in any six-hour period. The time required to set up and to remove any instruments, props, equipment, or other items shall be considered part of the performance for purposes of this subdivision.

(5) Perform within fifty feet of any other performance or any vendor when performing in the General Performance Area.

(6) Perform within thirty-five feet of any other performance or any vendor when performing in the Center Performance Area or the Breezeway Performance Area.

(7) Perform at a distance greater than ten feet from the north railing of the Pier when performing in the Center Performance Area.

(8) Perform at a distance greater than ten feet from the north or south railings of the Pier when performing in the Breezeway Performance Area.

(9) Perform at a distance greater than seven and one-half feet in either an east or west lateral direction from one of the stars that the City has painted on the Pier surface to effectuate the spacing requirements of this Section and to ensure that the maximum number of performance locations are provided consistent with spacing requirements. A lottery or voucher system may be implemented to allocate performance locations and ensure that all performers participating therein have a fair and equal opportunity to perform or obtain preferred performance locations. At the times that a lottery or voucher system is implemented, the distance requirement of subsections (c)(1) through (c)(4) of this Section shall not apply. Administrative regulations issued under this Chapter may specify additional requirements, including the conduct and timing of the lottery or voucher system, the maximum time period and location in advance of the lottery or voucher distribution that the performers can line up, and the duration of the permit, consistent with the provisions of this subsection (c)(9) of this Section and any other relevant provisions of the Municipal Code.

(10) Disrupt or impede the City's operation of the lottery.

(d) Notwithstanding subsection (a) of this Section, no performer shall perform in the General Performance Area, which is adjacent to the Carousel Building, except during the following time periods:

(1) Eight a.m. to ten p.m. Monday through Thursday.

(2) Eight a.m. to twelve a.m. (midnight) on Friday.

(3) Nine a.m. to twelve a.m. (midnight) on Saturday.

(4) Nine a.m. to ten p.m. on Sunday. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 8, adopted 7/20/99; Ord. No. 1959CCS § 4, adopted 10/12/99; Ord. No. 2017CCS § 1, adopted 7/24/01; Ord. No. 2028CCS § 3, adopted 11/13/02; Ord. No. 2047CCS § 5, adopted 7/9/02; Ord. No. 2075CCS § 3, adopted 5-13-03; Ord. No. 2145CCS § 2, adopted 11/23/04; Ord. No. 2451CCS § 2, adopted 12/10/13; Ord. No. 2713CCS § 1, adopted 9/13/22)

## **6.112.065 Administrative regulations.**

(a) The City Manager or designee may adopt administrative regulations to implement the provisions of this Chapter, including, but not limited to, the suspension or revocation of a performance permit, the lottery or voucher system for the Pier, and any required distance between a performer and a community event on the Third Street Promenade that encompasses one or more City blocks.

(b) No person shall fail to comply with the City's administrative regulations issued pursuant to this Chapter. (Added by Ord. No. 2713CCS § 1, adopted 9/13/22)

## 6.112.070 Penalties.

The following penalties shall be established for violations of this Chapter:

(a) Except as provided in subsections (b) and (c) of this Section, any person violating this Chapter shall be guilty of an infraction, which shall be punishable by a fine of not less than one hundred dollars, but not exceeding two hundred fifty dollars per violation.

(b) Any person violating Section [6.112.030\(c\)](#), [6.112.030\(f\)](#), [6.112.030\(g\)](#), [6.112.030\(l\)](#), [6.112.030\(q\)](#), [6.112.050\(a\)](#), [6.112.050\(c\)\(5\)](#), [6.112.060\(a\)](#), [6.112.060\(c\)\(5\)](#), or [6.112.060\(d\)](#), or any successor legislation thereto, shall be guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Any person performing without a performance permit as required by Section [6.112.030\(b\)](#) shall be guilty of a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(d) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapter [1.09](#) and Chapter [1.10](#) of this Code.

(e) **Nonexclusive Remedies and Penalties.** The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Added by Ord. No. 1888CCS § 1, adopted 10/28/97; amended by Ord. No. 1949CCS § 9, adopted 7/20/99; Ord. No. 1959CCS § 5, adopted 10/12/99; Ord. No. 2028CCS § 4, adopted 11/13/02; Ord. No. 2047CCS § 6, adopted 7/9/02; Ord. No. 2075CCS § 4, adopted 5-13-03; Ord. No. 2145CCS § 3, adopted 11/23/04; Ord. No. 2337CCS § 3, adopted 12/14/10; Ord. No. 2713CCS § 1, adopted 9/13/22)

## 6.112.080 Exemptions.

This Chapter shall not apply to:

(a) Activities approved pursuant to Chapter [6.36](#) and Section [3.36.180](#) of the Santa Monica Municipal Code.

(b) Any approved participant in any City approved farmer's market.

(c) Any person who has obtained a community event permit pursuant to Chapter 4.68 of the Santa Monica Municipal Code. (Added by Ord. No. 1888CCS, § 1, adopted 10/28/97; amended by Ord. No. 2713CCS § 1, adopted 9/13/22)

---

## Contact:

City Clerk: 310-458-8211, email: [clerk@santamonica.gov](mailto:clerk@santamonica.gov)

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

## Santa Monica, California Municipal Code

### Article 6 BUSINESS, PROFESSIONS AND TRADES

#### **Chapter 6.116 SPECIAL PROMENADE AND PIER REGULATIONS**

6.116.010 Use of a table or cart on the Promenade, the Transit Mall, and the Pier.

6.116.030 Allowable noise levels on Promenade and Transit Mall.

6.116.050 Exemptions.

6.116.060 Special regulations for vendors on the Third Street Promenade and Transit Mall.

6.116.070 Special regulations for vendors on the Pier.

6.116.080 Placements, installation or erection of objects on the Promenade, the Transit Mall and the Pier.

6.116.090 Penalties.

#### **6.116.010 Use of a table or cart on the Promenade, the Transit Mall, and the Pier.**

Except as otherwise authorized by this Code, no person on the Third Street Promenade, the Transit Mall, or the Pier shall display or distribute goods, written materials, merchandise, food, or any other items from any device or structure except on or from a portable table or cart utilized in accordance with the following provisions:

(a) The table or cart shall be located:

(1) In designated areas, as established by resolution of the City Council;

(2) At least ten feet from the outer edge of any entrance of any business, including, but not limited to: doors, vestibules, driveways, outdoor dining entries, and emergency exits, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business on those premises;

(3) At least ten feet from any bus stop;

(4) At least ten feet from any street corner or a marked pedestrian crosswalk;

(5) So that at least a four-foot contiguous sidewalk width is kept clear for pedestrian passage;

(6) So that a curb cut is not blocked or obstructed;

(7) At a distance no greater than ten feet from the north railing of the Pier when located in the Center Performance Area;

(8) At a distance no greater than ten feet from the north or south railings of the Pier when located in the Breezeway Performance Area;

(9) Within ten feet of the outer edge of any entrance to any residence;

(10) Within twenty feet of the outer edge of any stairs or ramp on the south side of the Pier;

(11) Within ten feet of the outer edge of any roadway leading to the Pier;

(12) On the wooden landing or wooden walkways immediately north of the Pier.

(b) The table or cart shall not be larger than four feet in width by eight feet in length by three feet in height.

(c) Except as provided in Section [6.116.080](#), no structures shall be attached to the table or cart. No other structure may be used to display the items. The display area, including the table or cart, shall be maintained in a neat and presentable manner. None of the items shall be displayed in an area other than upon the table or cart, including, but not limited to, in display racks on the sidewalks or in the hanging of the items from a building or fence or other structure. Any boxes or accessory items shall be stored entirely beneath the table or cart and shall not be stored or piled alongside of, behind, or in front of the table or cart. The items may be stacked on the table or cart, provided that each stack shall not exceed the height of twelve inches. Signs may be attached to the side of or on top of the table or cart. No signs may extend higher than the top of the table or cart and no signs may be affixed to City facilities. The site shall be kept clean and all rubbish shall be deposited in proper receptacles regularly during the day and prior to departing the site each day.

(d) The table, cart, and all of the person's other items shall be capable of being transported and removed all at once within three minutes.

(e) Any person vending pursuant to Section [6.36.030\(f\)](#), or any successor provision, shall be limited to two chairs. The chairs may be placed behind or next to (but not in front of) the cart or table. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 1949CCS § 10, adopted 7/20/99; Ord. No. 2028CCS § 5, adopted 11/13/02; Ord. No. 2047CCS § 7, adopted 7/9/02; Ord. No. 2075CCS § 5, adopted 5-13-03; Ord. No. 2145CCS § 4, adopted 11/23/04; Ord. No. 2337CCS § 4, adopted 12/14/10)

### **6.116.030 Allowable noise levels on Promenade and Transit Mall.**

Individuals and businesses shall comply with all of the following noise levels and standards of this Section:

(a) The following maximum noise level (Lmax) shall apply on the Third Street Promenade and the Transit Mall during the times indicated:

	<b>Time</b>	<b>Maximum Noise Level (Lmax)</b>
Mon-Fri	9 a.m.-7:00 p.m.	75 dBA*/97 dBA**
Mon-Thurs	7 p.m.-10:30 p.m.	85 dBA*/107 dBA**
Friday	7 p.m.-midnight	85 dBA*/107 dBA**
Saturday	9 a.m.-midnight	85 dBA*/107 dBA**
Sunday	9 a.m.-10:30 p.m.	85 dBA*/107 dBA**
Sat/Sun	12:01 a.m.-1:30 a.m.	65 dBA*/87 dBA**

\* When measured at a minimum distance of twenty-five feet from the source of the noise.

\*\* When measured at a minimum distance of one foot from the source of the noise.

At all other times, the City-wide noise standards as reflected in Chapter 4 of this Code shall apply except the Lmax standard shall provide the basis for measuring the dBA level.

(b) No person or group shall create any noise, or allow the creation of any noise on the Third Street Promenade or Transit Mall which causes the noise level to exceed the Lmax standard established in this Section.

(c) No business on the Third Street Promenade shall utilize any speaker or sound reproduction system at a volume that can be heard inside the premises of another building or structure while the doors and windows to the premises are closed.

(d) No person shall interfere with or resist the taking of any noise measurement authorized by this Section.

(e) No person shall use a speaker on a public sidewalk, street, or right-of-way unless it is placed on the ground and is no more than three feet in height.

(f) Amplified sound shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 2009CCS § 3, adopted 5/22/01; Ord. No. 2047CCS § 8, adopted 7/9/02; Ord. No. 2075CCS § 6, adopted 5-13-03; Ord. No. 2145CCS § 5, adopted 11/23/04; Ord. No. 2337CCS § 5, adopted 12/14/10)

### **6.116.050 Exemptions.**

The requirements of this chapter, except for noise standards, shall not apply to City approved special events which have been reviewed by the police and fire departments to ensure that all necessary public safety measures have been imposed as a condition of approving the event and to any vendor operating pursuant to or under the authority of an approved license agreement. (Added by Ord. No. 1888CCS § 6, adopted 10/28/97; amended by Ord. No. 1949CCS § 15, adopted 7/20/99; Ord. No. 1959 CCS § 8, adopted 10/12/99)



## **6.116.060 Special regulations for vendors on the Third Street Promenade and Transit Mall.**

No person authorized to vend pursuant to Section 6.36.030(f) and (g), or any successor legislation, may on the Third Street Promenade or the Transit Mall:

(a) Vend on the Third Street Promenade in any specific location, or within one hundred twenty feet of that location as measured in a north/south direction, for more than a two-hour period in any six-hour period. The time required to set up and to remove equipment and material for vending shall be considered part of the time limit established by this subsection and subsection (b) of this Section;

(b) Vend on the Third Street Promenade on an even hour at the same location that he or she was vending on the preceding hour, or within one hundred twenty feet of that location as measured in a north/south direction;

(c) Vend on the Transit Mall in any specific location, or within one hundred twenty feet of that location as measured in an east/west direction, for more than a two-hour period in any six-hour period. The time required to set up and to remove equipment and material for vending shall be considered part of the time limit established by this subsection and subsection (d) of this Section;

(d) Vend on the Transit Mall on an even hour at the same location that he/she was vending on the preceding hour, or within one hundred twenty feet of that location as measured in an east/west direction;

(e) Vend within ten feet of a vendor operating pursuant to or under the authority of an approved license agreement or within forty feet of any other vendor or performer;

(f) Vend those items authorized by Section 6.36.030(g), or any successor legislation, unless that person is also performing pursuant to Chapter 6.112, the item vended is representative of the work being created during the performance, and no more than five such items are displayed at any one time. A performer/vendor may display these items from a table or cart, the performer/vendor's instrument case, or attached to an easel which is used as part of the performance. If a performer/vendor displays items from a table or cart, all other requirements specified in Section 6.116.010 shall apply except that the performer/vendor shall be limited to utilizing one table or cart of a size not larger than four feet in width by four feet in length by three feet in height. Other Federal, State, and local laws may apply to this activity and to sales, including, without limitation, local, State and Federal tax laws. It is each performer's sole responsibility to ensure that he or she is familiar with and complies with such laws;

(g) Vend on the Transit Mall at a distance greater than five feet from the outer wall of any building or any permanent extension of the building such as a planter box. (Added by Ord. No. 1949CCS § 12, adopted 7/20/99; amended by Ord. No. 1959CCS § 6, adopted 10/12/99; Ord. No. 2028CCS § 7, adopted 11/13/02; Ord. No. 2047CCS § 9, adopted 7/9/02; Ord. No. 2075CCS § 7, adopted 5-13-03; Ord. No. 2145CCS § 6, adopted 11/23/04; Ord. No. 2337CCS § 6, adopted 12/14/10)

### **6.116.070 Special regulations for vendors on the Pier.**

No person authorized to vend pursuant to Sections 6.36.030(f) and 6.36.030(g), or any successor legislation, may on the Pier:

(a) Vend within fifty feet of any other vendor or performer when performing in the General Performance Area.

(b) Vend after 4:00 p.m. at the same location that he/she was vending prior to 4:00 p.m. or within one hundred fifty feet of that location.

(c) Vend those items authorized by Section 6.36.030(g), or any successor legislation, unless that person is also performing pursuant to Chapter 6.112, the item vended is representative of the work being created during the performance, and no more than five such items are displayed on the table or cart at any one time. All other requirements specified in Section 6.116.010 shall apply except that the performer/vendor shall be limited to utilizing one table or cart of a size not larger than four feet in width by four feet in length by three feet in height.

(d) Vend at a distance greater than ten feet from the north railing on the Pier when located in the Center Performance Area.

(e) Vend at a distance greater than ten feet from the north or south railings of the Pier when located in the Breezeway Performance Area.

(f) Vend at a distance greater than seven and one-half feet in either an east or west lateral direction from one of the stars that the City has painted on the Pier surface to effectuate the spacing requirements of this Section. (Added by Ord. No. 1949CCS § 13, adopted 7/20/99; amended by Ord. No. 1959CCS § 7, adopted 10/12/99; amended by Ord. No. 2017CCS § 3, adopted 7/24/01; amended by Ord. No. 2028CCS § 8, adopted 11/13/02; Ord. No. 2047CCS § 10, adopted 7/9/02; Ord. No. 2075CCS § 8, adopted 5-13-03; Ord. No. 2145CCS § 7, adopted 11/23/04)

### **6.116.080 Placements, installation or erection of objects on the Promenade, the Transit Mall and the Pier.**

No person shall place, install or erect objects on the Promenade, the Transit Mall, or the Pier which may block sight views, impede traffic or collapse, such as sandwich board signs ("A" frames), canopies, umbrellas, screens, large inflatables, tents, and similar objects unless such objects are placed, installed or erected pursuant to a street use permit, license, or other City-issued authorization which protects public safety. (Added by Ord. No. 2145CCS § 8, adopted 11/23/04)

### **6.116.090 Penalties.**

The following penalties shall be established for violations of this Chapter:

(a) Except as provided in subsection (b) of this Section, any person violating this Chapter shall be guilty of an infraction, which shall be punishable by a fine of not less than one hundred dollars, but not exceeding two hundred fifty dollars per violation.

(b) Any person violating Sections [6.116.010\(a\)\(1\)](#), (b), (c), or (d), [6.116.030\(b\)](#) after midnight, [6.116.060\(f\)](#) or [6.116.070\(c\)](#), or any successor legislation thereto, shall be guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapters [1.09](#) and [1.10](#) of this Code.

(d) **Nonexclusive Remedies and Penalties.** The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Added by Ord. No. 1949CCS § 14, adopted 7/20/99; amended by Ord. No. 2028CCS § 9, adopted 11/13/02; Ord. No. 2047CCS § 11, adopted 7/9/02; Ord. No. 2075CCS § 9, adopted 5-13-03; Ord. No. 2145CCS § 9, adopted 11/23/04; Ord. No. 2337CCS § 7, adopted 12/14/10)

---

## Contact:

City Clerk: 310-458-8211, email: [clerk@santamonica.gov](mailto:clerk@santamonica.gov)

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).

## Santa Monica, California Municipal Code

### Article 3 PUBLIC SAFETY

## Chapter 3.74 SEXUAL OFFENSE AGAINST A MINOR

### 3.74.010 Sexual offense against a minor.

### **3.74.010 Sexual offense against a minor.**

No individual who has been convicted of a sexual offense against a minor shall perform or display or distribute goods, written materials, merchandise, food, or any other items or engage in any other similar activity on public property to entice a minor to congregate around that person. (Added by Ord. No. 2337CCS § 10, adopted 12/14/10)

---

### **Contact:**

City Clerk: 310-458-8211, email: [clerk@santamonica.gov](mailto:clerk@santamonica.gov)

Published by [Quality Code Publishing, Seattle, WA](#). By using this site, you agree to the [terms of use](#).



## **Pier Performer Lottery Guidelines**

**Effective Summer 2021**

### **Purpose:**

Pursuant to Santa Monica Municipal Code Section 6.112.060(c)(9), these administrative regulations govern the lottery for the allocation of performance locations (the stars) on the Pier and ensure that all performers participating in the lottery have a fair and equal opportunity to perform or obtain a preferred performance location.

### **Performance Time Periods:**

The performance time periods for the Santa Monica Pier are as follows:

- |                            |   |
|----------------------------|---|
| <b>8:00 AM to 12:00 PM</b> | No permit required Monday through Friday; City of Santa Monica Street Performance Permit required Saturday, Sunday, and holidays<br>performers may claim a Performance Star on a first come, first served basis |
| <b>12:00 PM to 5:00 PM</b> | City of Santa Monica Street Performance Permit required; Performance Stars distributed by lottery   |
| <b>5:00 PM to 1:00 AM*</b> | City of Santa Monica Street Performance Permit required; Performance Stars distributed by lottery   |

*\*If the City closes the Pier prior to 1:00 AM, performers must discontinue their performance and leave the Pier along with the general public.*

### **Performance Stars**

*Please see attached map for traditional Performance Stars that are available and unavailable during the Emergency Order*

### **Lottery Times:**

The lottery times for allocation of the performance stars will occur at the following times:

1. 11:30 AM
2. 4:30 PM

**Lottery Location:**

The performer lottery will be held at the Regular Lottery Location at the picnic tables immediately east of the carousel building or at an Alternate Lottery Location that does not interfere with the general public. The Lottery Proctor has the ability to pick the Alternate Lottery Location to hold the lottery in the event that the Regular Lottery Location is unavailable due to an event or other unforeseen circumstances. Notification of any change to the lottery location must be prominently posted well in advance of the lottery.

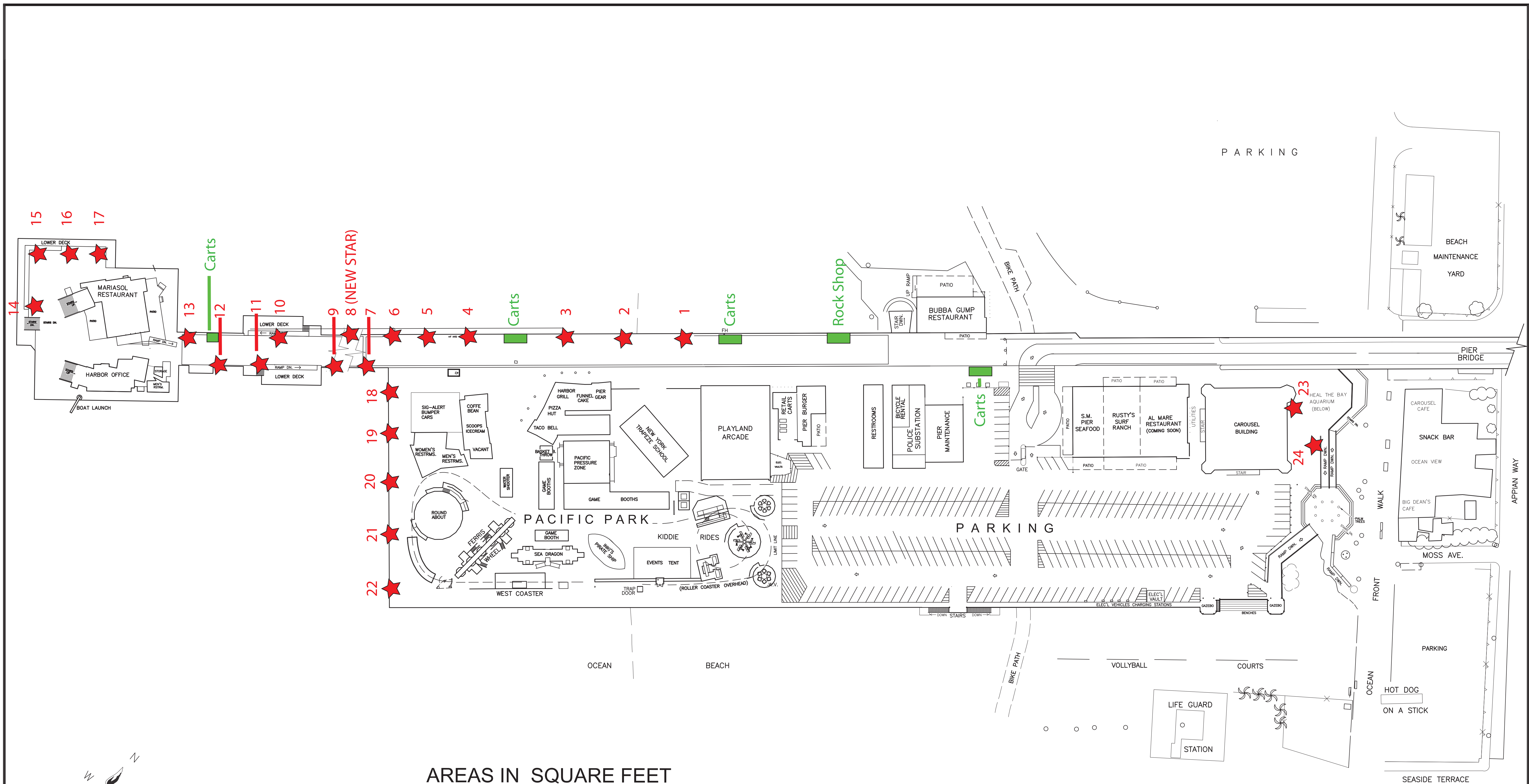
**Lottery Guidelines:**

1. A performer who wishes to perform on the Santa Monica Pier must attend the Performer Lottery during the times that have been established in order to obtain a space on the Pier to perform. The performer must submit his/her name and performer permit number to the Lottery Proctor.
2. A performer who arrives to the Performer Lottery after the lottery has officially been started by the Lottery Proctor or during the lottery, must wait for the next lottery time to obtain a space on the Pier.
3. Performers who participate in the lottery are to form a line at the predetermined Lottery Location, socially-distanced at least 6-feet from each other, and have their performance permit number recorded by the Lottery Proctor.
4. The Lottery Proctor will accept entries for five minutes only after the first performer who submitted their name. After 5 minutes, the proctor will stop accepting entries and will commence the lottery and begin randomly selecting from the submitted performance permit numbers.
5. The Lottery Proctor shall and will have full control of the Pier Performer Lottery, supplies, and the Pier Map at all times and such items shall be kept in his/her possession during the lottery. A line or barrier will be established between the Lottery Proctor and the entering performer in order to maintain social distance.
6. The Lottery Proctor will record the Performer's permit number and enter it into the lottery bucket.
7. The Lottery Proctor will officially close the lottery for that lottery time period once all performance permits have been selected or when all performance spaces/locations have been filled, whichever occurs first.
8. Those performers who have been assigned a space on the Pier and wish to attend one of the lottery time periods for a different performance time period, that performer must close out their space completely and physically remove all equipment from that space.

9. The Lottery Proctor will not issue any vouchers or assign any spaces to those performers who did not attend or arrived late to the lottery. A large map of the assigned performance spaces will be posted inside the carousel, visible through the building's windows. A digital photo of the map will also be distributed to Harbor Patrol and Code Enforcement personnel.
10. Any and all unoccupied and/or vacant spaces on the Pier shall and will remain unoccupied and vacant until the next Performer Lottery Time.
11. Assigned performance spaces will be permanent until the end of a performer's shift, at which time the performer must remove all equipment within 3 minutes and allow the next performer assigned to that space to set up their equipment. In the event that a performer has a client, that performer must cease their activity and instruct the client that he/she must move to their new assigned/designated space. If a performer does not have an assigned/designated space, the performer must inform the client that he/she will be setting up at the Boardwalk Area, off of the Pier.
12. Assigned/designated performance spaces will not be available to anyone other than the voucher holder from the preceding lottery for the entire performance period.
13. If a performer does not show at an assigned/designated space or the performer decides to leave the assigned space, such space shall and will remain vacant and unoccupied until the next lottery time.
14. Any performer may not move into any unassigned or undesignated spaces.
15. A performer may not and shall not disrupt, interfere, or impede with the Pier Performer Lottery process.
16. A performer shall not sell, trade or give away an assigned space. Any performer who sells, trades, or gives away a performance space will be prohibited from participating in the lottery program for 30 days.
17. The Pier Performer Lottery will be officially closed by the Lottery Proctor at the end of the Reverse Lottery when the last performer permit has been called.

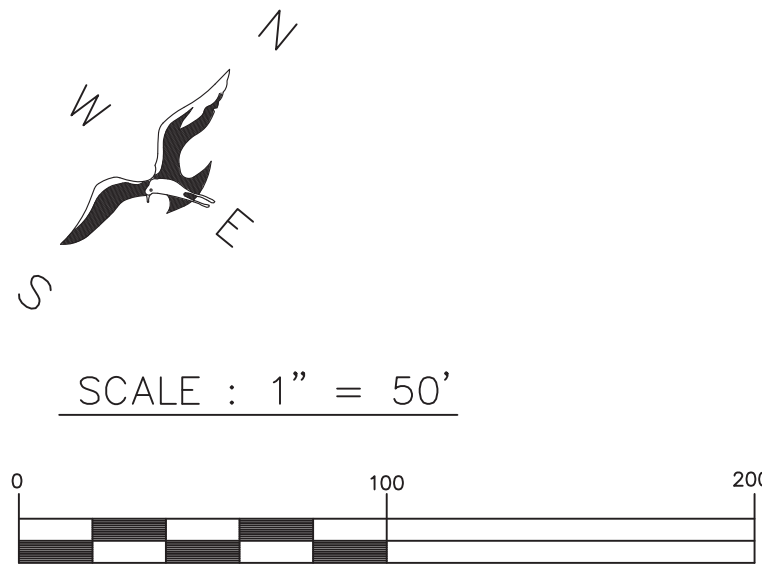
**Group Performances:**

For any group performances, the acts must be of the same genre. Also, for any group performance, only one member of the group may participate in the lottery. However, each member of that group must visibly display their performer permit. If the Lottery Proctor determines that one or more members of said groups has participated in the lottery, the proctor shall not issue a space or voucher to that group until the last performer permit number for the group has been selected.



**AREAS IN SQUARE FEET**

TOTAL SQUARE FOOTAGE OF PIER DECK: 349,574 SQ. FT.  
 TOTAL SQUARE FOOTAGE OF DECK PARKING: 84,283 SQ. FT. (24%)  
 TOTAL SQUARE FOOTAGE OF PACIFIC PARK: 69,986 SQ. FT. (20%)



CITY OF SANTA MONICA  
 PUBLIC WORKS DEPARTMENT  
**ENGINEERING DIVISION**  
 1685 MAIN STREET SANTA MONICA, CA. 90401 - 3295  
 TEL. ( 310 ) 458-8721 FAX ( 310 ) 393-4425

NO.	DATE	BY	DESCRIPTION	APPROVED

CONSULTANT

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ 19\_\_  
 USER DEPARTMENT

REFERENCE:  
 DATE: \_\_\_\_\_ 19\_\_  
 SUBMITTED BY: \_\_\_\_\_  
 S U S A N L O W E L L , P . E .  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ 19\_\_  
 CITY ENGINEER

**SANTA MONICA PIER  
 SITE PLAN**

UPDATED: 3/12/12  
 DESIGNED BY:  
 DRAWN BY: Pete Friedrich  
 CHECKED BY: Susan Lowell  
 CONSULTANT DWG NO.  
 CITY ENGINEERING DRAWING NO.  
**6380**  
 SHT. 1 OF 1 SHTS.

SANTA MONICA PIER SITE PLAN





# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit      **NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 1 of 9

---

## I. Purpose

The purpose of this Administrative Instruction is to establish procedures for the interdepartmental processing of Notices of Violations issued under the authority of Chapter 6.112 of the Municipal Code by employees of the Santa Monica Police Department. These Instructions include procedures for the revocation or suspension of a street performance permit pursuant to SMMC Section 6.112.040(e).

## II. Scope

This Administrative Instruction applies to all City Departments involved in the processing of Notice of Violations issued to street performers pursuant to SMMC Section 6.112.040(e) including the Police Department, the City Manager's Office, the Finance Department, and the City Attorney's Office.

## III. Definitions

- A. Notice of Suspension/Revocation: A written notification from the Business License office informing a performer of his or her suspension or revocation.
- B. Notice of Violation: A written form produced by the Police Department to formally document violations of the Municipal Code or Street Performer Regulations. A notice of violation shall also include monetary administrative citations and any notice to appear issued by any authorized enforcement officer.
- C. Six Month Look-Back: The six month period preceding the date of a Notice of Violation that may be considered when determining if a permit can be suspended or revoked.
- D. Lost/Stolen Performance Permit Declaration: A written notification from the performer informing the Business License office that his or her permit has been lost or stolen.



# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit      **NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 2 of 9

---

- E. Suspension: The City's ability to suspend a performer's permit to perform on the Third Street Promenade, the Santa Monica Pier and Transit Mall for the violation of the Santa Monica Municipal Code and/or Santa Monica Street Performance Administrative Regulations for a period of less than six months.
- F. Revocation: The City's ability to suspend a performer's permit to perform on the Third Street Promenade, the Santa Monica Pier and Transit Mall for the violation of the Santa Monica Municipal and/or Santa Monica Street Performance Administrative Regulations for a period of six months or one year.
- G. Notice of Violation Objection: A written objection from a performer on a form provided by the Business License office regarding a Notice of Violation issued by a law enforcement officer. This document will be reviewed at the point in which a permit is under review for suspension or revocation.

## IV. Policy

The Street Performers Ordinance establishes reasonable time, place, and manner restrictions on street performance to the extent necessary to ensure the safety of performers, their audiences, and the general public, to preserve aesthetics in public spaces, to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes, and to preserve the ability of businesses to operate and conduct their business. It is the policy of the City to implement rules and regulations consistent with the Ordinance which establish objective criteria for the revocation or suspension of a performance permit.

As reflected in the standards established below, violations which affect the safety of the public are generally considered to be the most serious. The length of suspension or revocation generally corresponds to the seriousness of the violation(s) and the number of violations. As provided by SMMC Section 6.112.040, any revocation of a performer's permit shall be for six months unless the performer previously had a performance permit revoked and the new violations of this Chapter or permit conditions relate to public safety, in which case, the permit shall be revoked for twelve months.



# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit      **NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 3 of 9

---

## V. Violation Categories

A performance permit shall be revoked or suspended in accordance with the following standards:

Category I.      Most Serious Violations (including the most serious public safety violations and material permit fraud)

- a. Section 3.74 of the SMMC [A performance on public property by a sex offender convicted of a sexual offense against a minor, in a manner to entice a minor.]
- b. Section 6.112.040(e) [Providing a false or misleading, or fraudulent statement of fact in the performer permit application.]
- c. Section 6.112.030(f) [Use of dangerous objects or activities]

Category II.      Other Public Safety Violations

- (a) Section 6.112.030(a)(1) [within 10 feet of bus stop]
- (b) Section 6.112.030(a)(2) [within 10 feet of street corner/crosswalk]
- (c) Section 6.112.030(a)(3) [within 10 feet of open business]
- (d) Section 6.112.030(c) [obstruction of pedestrian access]
- (e) Section 6.112.030(e) [with too large platform]
- (f) Section 6.112.030(g) [use of power source or electrical cords attached to buildings]
- (g) Section 6.112.030(k) [objects in 4 foot pedestrian area]
- (h) Section 6.112.030(n) [leaving instruments, props, merchandise unattended]
- (i) Section 6.112.030(p) [block or obstruct curb cut]
- (j) Section 6.112.050(c)(6) [greater than 5 feet from buildings on Transit Mall]
- (k) Section 6.112.050(c)(7) [within 20 feet of Third Street Promenade on Santa Monica Blvd.]
- (l) Section 6.112.060(c)(7) [greater than 10 feet of north railing of Pier Center Performance Area]
- (m) Section 6.112.060(c)(8) [greater than 10 feet of north or south railings of Pier Breezeway Performance Area]
- (n) Violation of other Municipal Code provisions applicable to performance and related to safety, including, but not limited to: Sections 6.116.010(a)(1), 6.116.010(a)(2), 6.116.010(a)(3), 6.116.010(a)(4), 6.116.010(a)(5), 6.116.010(a)(6), 6.116.010(a)(7), 6.116.010(a)(8), 6.116.010(d), 6.116.010(e), 6.116.060(g), 6.116.070(a), 6.116.070(d), 6.116.070(e), or any successor provision thereto.



# ADMINISTRATIVE INSTRUCTION

**SUBJECT:** Notice of Violation Processing  
and Suspension/Revocation of  
Performance Permit

**NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 4 of 9

## Category III. Other Violations

- (a) Section 6.112.030(l) [too many instruments, props, merchandise]
- (b) Section 6.112.050(c)(5) [within 10 feet of a vendor with license agreement or 40 feet of others]
- (c) Section 6.112.060(c)(5) [within 50 feet of another performer in Pier General Performance Area]
- (d) Section 6.112.060(c)(5) [within 50 feet of another performer in Pier General Performance Area]
- (e) Section 6.112.060(c)(6) [within 35 feet of another performer in Pier Center and Breezeway Performance Areas]
- (f) Section 6.112.060(c)(9) [greater than 7.5 feet from stars on Pier]
- (g) Section 6.116.030(e) [use a speaker on a public sidewalk, street, or right-of-way unless it is placed on the ground and is no more than three feet in height.]
- (h) Any violation of any provision of Chapter 6.112 not otherwise specified in Category I and Category II above.
- (i) Any violation of any provision of Chapter 6.116 not otherwise specified in Category I and Category II above.
- (j) Any violation of the Santa Monica Street Performance Administrative Regulations.

## VI. Standards for Suspension or Revocation

1. A performer shall be issued points based on the category of violation as outlined in the table below:

Violation	
Category	Points
I	12
II	3
III	2



# ADMINISTRATIVE INSTRUCTION

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit

**NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 5 of 9

2. Suspension or revocation of the performers permit shall be imposed in accordance with the system outlined below:

	No Prior Revocation		One or More Prior Revocations	
	Number of Points within a Six Month Look Back Period	Suspension / Revocation Term in Months	Number of Public Safety Category I or II Violations after 1 or more previous Revocations within 3 years	Revocation Term in Months
<b>Suspension</b>	8 to 11	4		
<b>Revocation</b>	12 or more	6	1 or more	12

Suspension Example: The following combination of violations, outlined on the next page, in a six month look back period would meet the standards for suspension:

- Three (3) Category II violations (9 points)
- Four (4) Category III violations (8 points)
- Two (2) Category II and One (1) Category III Violations (8 points)
- One (1) Category II and Two (3) Category III Violations (9 points)
- Two (2) Category II and Two (2) Category III Violations (10 points)

3. If a performer's permit is suspended or revoked for a violation of Section 6.112.040(e), the permit shall not be reinstated until the false, misleading or fraudulent statement is corrected by the performer in writing.



# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit      **NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 6 of 9

---

4. All violations issued during the previous six month look back period may be counted when determining if a performer meets the standards for suspension or revocation outlined in Section VI.2, even when a permit is already suspended or revoked. The six month look back period will be based on date of the most recent violation. For example, if a violation is issued on December 24, 2013, the look back period would begin on the December 24, 2013 through June 24, 2013.
5. Multiple suspensions or revocations are cumulative. For example, if a performer is suspended for four months, and during month two of the suspension he or she is suspended again for four months for new violations, the new four month suspension will begin following the last day of the first suspension, for a total of eight months.
6. A performer shall not be eligible for another performance permit for the duration of any suspension or revocation period commencing from the date the performer relinquishes his/her permit to the Business License Office. If a performance permit is lost or stolen, a performer must complete a *Lost/Stolen Performance Permit Declaration* form and submit it to the Business License office. The suspension will begin the date in which the form is submitted, or if mailed the date in which the envelope is U.S. Post Office postmarked.
7. After a revocation period, the performer may apply for a new permit through the Business License office. All provisions of the application process, including the payment of a new application fee apply to these new applications.



# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing  
and Suspension/Revocation of  
Performance Permit

**NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 7 of 9

---

## VII. Procedures and Responsibilities

### Procedures

### Responsible Person(s)

A. The Police Department is responsible for issuing Notice of Violations. When a notice has been issued, a copy shall be kept by the Police Department. Upon receipt of a sufficient number of Notice of Violations for the same individual within the six month look back, the Police Department shall forward a memorandum requesting review of the permit, together with copies of all relevant Notice of Violations issued related to the current suspension recommendation, to the City's Business License office.

Police Department

B. A performer, upon receipt of a Notice of Violation, may provide the Business License office with a written objection. The objection must be submitted to the Business License office within 10 calendar days from the date of the violation. The Business License office shall keep all objections together with the performer's permit application. The Business License office shall, in consultation with the City Attorney's office, review the permit for possible suspension or revocation based on the standards in these Instructions. If it is determined based upon the information supplied by the Police Department and any objections provided by the performer that a permit should be revoked or suspended, the Business License office shall mail a certified Notice of Suspension/Revocation letter to the holder of the permit giving notice of this determination. The Business License office shall also send notice of the appeal rights established pursuant to Chapter 6.16 of the Santa Monica Municipal Code.

Business License  
City Attorney



# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing and Suspension/Revocation of Performance Permit

**NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 8 of 9

---

## VII. Procedures and Responsibilities

### Procedures

### Responsible Person(s)

C. If a holder of a permit appeals a suspension or revocation, the City Attorney's office shall provide for a hearing pursuant to Chapter 6.16 of the Santa Monica Municipal Code. The Hearing Examiner shall assess whether the permit was properly revoked or suspended in accordance with Chapter 6.112 and this Administrative Instruction. If during the pendency of a hearing, the holder of a permit commits additional violations of Chapter 6.112, or other Municipal Code provisions applicable to performance, including Chapter 6.116, which result in the permittee receiving notice of additional permit suspensions or revocation, these additional penalties can be reviewed at the same hearing set to review the initial suspension or revocation so long as the holder of the permit is given at least five days' notice that these additional penalties will be reviewed at the same hearing. If the Hearing Examiner upholds the imposition of multiple penalties, these penalties can run consecutively.

City Attorney

D. The decision to suspend or revoke a permit is stayed pending the decision of the Hearing Examiner. In all cases in which the Hearing Examiner upholds the decision to suspend or revoke the permit, the permit holder shall be notified by the City of the right to seek judicial review.

City Attorney





# ADMINISTRATIVE INSTRUCTION

---

**SUBJECT:** Notice of Violation Processing  
and Suspension/Revocation of  
Performance Permit

**NUMBER:** II-4-9

**EFFECTIVE DATE:** Revised May 12, 2014

**PAGE:** 9 of 9

---

## VII. Procedures and Responsibilities

### Procedures

### Responsible Person(s)

E. The stay of the decision to suspend or revoke a permit expires ten (10) days after the Hearing Examiner issues his/her decision and a permit holder shall within that time period relinquish a revoked or suspended permit to the Business License office unless the performer seeks judicial review of the revocation or suspension pursuant to Code of Civil Procedure Section 1094.8. If the performer timely seeks judicial review, the stay shall remain in effect until the trial court renders its decision on the revocation/suspension. If the permit holder does not relinquish the permit in accordance with this Section and is observed performing, the City shall confiscate the permit. The permit will be forwarded to the Business License office

Business License

F. The City Attorney's office shall promptly notify the Business License office and the Police Department of any permit suspensions or revocations.

City Attorney

## VIII. Forms

The Police Department shall have responsibility for the printing and maintenance of the Notice of Violation forms.

## IX. Authorized By

---

Rod Gould  
City Manager



City of  
**Santa Monica**

Revenue Division  
PO Box 2200  
Santa Monica, CA 90407-2200

P: 310-458-8745 • F: 310-451-3283  
E: [business.license@santamonica.gov](mailto:business.license@santamonica.gov)  
W: [santamonica.gov/businesslicense](http://santamonica.gov/businesslicense)

**PERFORMANCE PERMIT  
LOST OR STOLEN PERMIT  
DECLARATION**

**OFFICIAL USE ONLY**

Permit #: \_\_\_\_\_

*Date Stamp*

Per Administrative Instruction II-4-9 section VI-6, if your permit has been lost or stolen, you must complete this form and return it to the Business License Office.

**PERFORMER INFORMATION**

Performer Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Number*

*Street*

*Unit/Suite #*

*City*

*State*

*Zip*

Contact Phone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Performer Permit #: \_\_\_\_\_

**LOST PERMIT DETAIL**

Date Lost: \_\_\_\_\_

Last known location: \_\_\_\_\_

**STOLEN PERMIT DETAIL**

Theft Reported to SMPD (Attach a copy of the Police Report)

Police Report Number: \_\_\_\_\_

Date Report Filed: \_\_\_\_\_

Incident Details (Attach extra sheets, if needed and any supporting documents)

I declare under penalty of making a false declaration that this statement is a true, correct and complete statement.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Date*

SANTA MONICA BUSINESS LICENSE LOST OR STOLEN PERFORMANCE PERMIT DECLARATION



City of **Santa Monica**

Revenue Division  
PO Box 2200  
Santa Monica, CA 90407-2200

P: 310-458-8745 • F: 310-451-3283  
E: [business.license@santamonica.gov](mailto:business.license@santamonica.gov)  
W: [santamonica.gov/businesslicense](http://santamonica.gov/businesslicense)

**PERFORMANCE PERMIT  
NOTICE OF VIOLATION OBJECTION**

**OFFICE USE ONLY**

Permit #: \_\_\_\_\_

*Date Stamp*

If you have received a notice of violation, which you believe was issued in error, you have the right to submit a written objection. Please complete this form within 10 days of the date of the violation.

**PERFORMER INFORMATION**

Performer Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Number*

*Street*

*Unit/Suite #*

*City*

*State*

*Zip*

Contact Phone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Permit Number: \_\_\_\_\_

**NOTICE OF VIOLATION OBJECTION**

Notice of Violation Number: \_\_\_\_\_

Notice of Violation Date: \_\_\_\_\_

If you have received a notice of violation, which you believe was issued in error; you have the right to submit a written objection within 10 days.

**OBJECTION**

Please use the space below to explain the occurrence in which a violation was issued and your objection:

Multiple horizontal lines for writing the objection.

**DECLARATION & SIGNATURE**

I declare under penalty of perjury the following statement is true with reference to the violation above.

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

SANTA MONICA PERFORMANCE PERMIT — NOTICE OF VIOLATION OBJECTION