

1- Work Session Agenda

Documents:

[1 - WORK SESSION AGENDA.PDF](#)

2 - Greenville Drive Update

Documents:

[2 - CITY COUNCIL DRIVE UPDATE_SEPTMBER 2020_FINAL.PDF](#)

3 - Tree Ordinance Update - Public Input Review

Documents:

[3 - TREE ORDINANCE UPDATE - PUBLIC INPUT REVIEW.PDF](#)

3 - Tree Ordinance Update - Canopy

Documents:

[3 - TREE ORDINANCE UPDATE - CANOPY.PDF](#)

4 - Events Ordinance Revisions

Documents:

[4 - EVENTS ORDINANCE REVISIONS.PDF](#)



CITY COUNCIL OF THE CITY OF GREENVILLE WORK SESSION MEETING

**Monday, September 14, 2020
3:00 p.m.**

Greenville City Hall is currently closed to the public. Please use the following methods to attend the Work Session Meeting:

Virtual Meeting Viewing

<https://www.greenvillesc.gov/meeting>

Password: meetnow

Telephone: 1-415-655-0002

WebEx Event Number: 173 684 4203

Remote Viewing Location:

Greenville Convention Center, 1 Exposition Drive – Room 102

The city of Greenville seeks input from citizens while adhering to public health and safety guidelines. All attendees at the remote viewing location will be subject to a temperature screening with a touch-less forehead thermometer. Anyone with a temperature reading above 100 degrees Fahrenheit will not be admitted. Attendees will be required to wear a covering over their mouth and nose, unless it violates a religious tenant or belief or causes difficulty breathing.

AGENDA

ATTENDEES:

CITY COUNCIL:

Mayor Knox White; Councilmember Wil Brasington; Councilmember John DeWorken, Councilmember Dorothy Dowe, Councilmember Lillian Flemming; Councilmember Ken Gibson; Councilmember Russell Stall

CITY STAFF:

City Manager John McDonough; City Attorney Michael S. Pitts; City Clerk Camilla G. Pitman

- 1. Call to Order** **3:00 p.m.**
- 2. Greenville Drive Update** **3:00 p.m.**
(Presented by Owner and President Craig Brown)
- 3. Tree Ordinance Update** **3:45 p.m.**
(Presented by Assistant City Manager Shannon Lavrin and Senior Landscape Architect Edward Kinney)
- 4. Events Ordinance Revisions** **4:15 p.m.**
(Presented by City Attorney Mike Pitts and Deputy City Manager Eden Freeman)
- 5. Executive Session:** **4:45 p.m.**
 - a. Economic Development / Legal Briefing**
 - 1. Metropolitan Sewer District
(City Attorney Mike Pitts)*
 - 2. Contemplated Disposition of Surplus Property for Affordable Housing
(Economic and Community Development Director Merle Johnson)*
- 6. Adjourn** **5:15 p.m.**

NOTE: City Council will leave the Work Session Webex virtual meeting to conduct an Executive Session (by electronic means) which is not open to the public. The Work Session meeting will adjourn following the completion of the Execution Session. No action will be taken prior to adjourning the meeting.



“Greenville’s Front Porch”



Greenville Drive Annual Organization Update

(COVID-19 Impact & Path Forward Plans)

LEAD UP TO THE 2020 SEASON

PREPARING FOR OUR BEST-SEASON OF DRIVE BASEBALL @ FLUOR FIELD

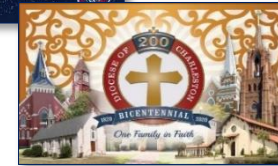


**Milestone 2020
Drive Season
Planned With
New & Impactful
Community
Events, Engaging
Promotions, &
Fan Experience
Enhancements**

**15th
Anniversary
Celebrations**



**New Community
Events &
Promotions**



**Fluor Field Fan
Experience
Enhancements**



*Brand New Fluor Field
Chicken Concept*



STELLARALGO

*New Ballpark
Technologies (Food
Ordering, Ticketing, etc.)*

2020 Greenville Drive Season



“The Not So Perfect Storm”



Award Winning Ballpark In
The Heart Of Downtown
(Literally & Figuratively)
Maintained & Operated By
Private Investment &
Ballpark Operations

October 2019

- Potential contraction of 25% of MiLB teams & cities
 - MLB Economics
 - Technology & Player Development
 - New Facility Standards (TBD)

March 2020

- COVID-19 pandemic hits
 - Postponement of 2020 Drive Season
 - Cancellation of 2020 Drive Season
 - Cancellation of Significant Fluor Field Events through September (minimum)

Current Status

- Significant Operating Losses With Continued Uncertainty
- Unfunded Fluor Field Debt Service
- Material Revenue Shortfall (e.g., Tickets, F&B, Merchandise, & Events)
- 90% Staffing Reduction (Full Time & Part Time)
- 100-125k Annual Stadium Foot Traffic (Baseball & Events)

GREENVILLE'S "FRONT PORCH"



Greenville News

"Fluor Field Has Become Greenville's 'Front Porch'"

THE GREENVILLE NEWS EDITORIAL

Drive, ballpark power West End

Baseball returns to Fluor Field this week as the Greenville Drive mark their fifth season in the West End ballpark and as the Upstate's unofficial summer pastime. As the anniversary season gets under way Thursday, it is hard to ignore the significant positive impact the Drive organization has had on the entire region.

Fluor Field, a privately funded ballpark that hosts 70 South Atlantic League ballgames every summer and a host of college games and other events, generated nearly \$42 million in sales as of the end of last year, according to business license and building permit data provided by the city. Among those businesses are 17 restaurants or bars and 10 retailers.

Also since the stadium has opened, 67 building permits have been issued for commercial or residential construction projects within that quarter-mile radius. The projects have a total value of more than \$11.7 million. Within the half-mile radius, the number of permits increases to 242

it is a ballpark. Often, it seems like everyone in the stadium knows everyone else. The venue has become Greenville's front porch, and more than a million people have come, at one time or another, to sit a spell and have fun.

This fifth anniversary season brings an added bonus come June that will surely boost the economic impact of the ballpark, its stature in the region and the visibility of South Atlantic League baseball in Greenville. Fluor Field is set to host the South Atlantic

and in doing so has developed a fantastic symbiotic relationship with Greenville.

Finally, the Drive are committed to making Minor League Baseball an affordable activity in downtown Greenville. Evidence: tickets and concessions will be the same price when the team opens its 2010 campaign as they were when it first moved into Fluor Field in 2006.

Positive benefits were clearly expected when city leaders were working to bring this ballclub



THE GREENVILLE NEWS EDITORIAL

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Baseball returns to Fluor Field this week as the Greenville Drive mark their fifth season in the West End ballpark and as the Upstate's unofficial summer position. As the annual season gets underway Thursday, it is hard to ignore the significant positive impact the Drive organization has had on the entire region. Fluor Field, a privately generated nearly \$42 million in sales as of the end of last year, according to business license and building permit data provided by the city. Among these businesses are 17 restaurants or bars and 10 retailers.

Also since the stadium has opened, 67 building permits have been issued for commercial or residential construction projects within that quarter.

It is a ballpark. Other, it seems like everyone in the stadium knows everyone else. The venue has become Greenville's front porch, and more than a million people have come or left from or another to all a night and home here.

This fifth anniversary season brings an added bonus: more fans that will surely boost the economic impact of the baseball season.

and in doing so has developed a fantastic symbiotic relationship with Greenville.

Finally, the Drive are committed to making Minor League Baseball an affordable activity in downtown Greenville. Evidence: tickets and concessions will be the same price when the lights open in 2020 as they were when it first moved into Fluor.

COVID-19 IMPACT PIVOTING OUR FRONT PORCH POSITIONING



Leveraging Fluor Field's "Ideal Social Distancing" Profile & The Drive's Significant Digital Footprint To Engage Fans, Unite The Community, & Deliver Partner Value

“DIGITAL” FRONT PORCH OF THE COMMUNITY



Leveraging The Drive’s Digital Channels & Footprint To Engage Fans, Unite The Community, & Deliver Partner Value



**Uniting
Around
Each Other**



**Uniting
Around the
Community**



**Uniting
Around
Baseball**



GREENVILLE'S FRONT PORCH – NOW MORE THAN EVER

ENGAGING, ENTERTAINING, & IMPACTING THE COMMUNITY



COVID-19 “Safe at Home” Shirt



- Specially designed Delta Apparel t-shirt promoted & sold online in partnership with the United Way
- Creative design leveraged the Drive & baseball to encourage the community to “stay at home” during the early onset of COVID-19
- Significant promotion across all the Drive’s owned media channels (website, social media, CRM), and digital marquee in Main Street plaza
- Over 200+ t-shirts sold & \$5,000 raised for United Way’s COVID-19 Relief Fund

MiLB’s CommUNITY First Campaign



- Industry-wide program across all 160 MiLB teams providing food relief to those impacted most by COVID-19 & recognition for frontline heroes
- Activated locally in Greenville by the Drive along with long-time partners Duke Energy, Trehel, & Spinx
- Over \$7,200+ total dollars raised for Harvest Hope Food Bank & 700+ complimentary tickets provided to frontline heroes for the Drive’s 2021 season

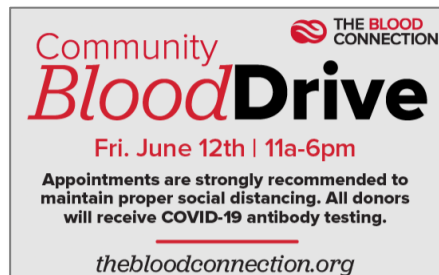
Top fundraiser across all MiLB clubs nationwide

GREENVILLE'S FRONT PORCH – NOW MORE THAN EVER

ENGAGING, ENTERTAINING, & IMPACTING THE COMMUNITY



Community Blood Drives



THE BLOOD CONNECTION

- (3) Community Blood Drives at Fluor Field thus far in 2020 through our long-term partnership with the Blood Connection
 - April 13: 90 total attendants; 67 usable donations
 - June 12: 150+ attendants; 72 usable donations
 - August 8: 150+ attendants; 100+ usable donations
- Encouraged & incentivized donations through unique & impactful gifts & prizes (e.g., TBC branded gifts, ticket vouchers for future Drive games, Fluor Field Sweet Caroline's ice cream vouchers, etc.)
- Additional donor engagement & participation via Drive swag bags provided as giveaways (2 per event)
- Holistic Blood Drive promotion & reminder campaign executed across Drive digital assets (website, social media, CRM, & Main St. marquee)

Underground Kitchen Food Event



- Partnership with FoodShare SC to launch Underground Kitchen's first Community First project in Greenville on June 17th -- helping to expand food relief efforts in greater Greenville by providing chef-prepared healthy meals to those most in need
- Led by Drive Executive Chef Wilbert Saucedo alongside 2 UGK chefs, prepped over 1,000 meals that were delivered to lower income Greenville residents through pick-up along Field Street
- Purposely timed event to also honor the anniversary of the tragedy at Emanuel A. M. E. Church in Charleston 5 years earlier
- Overall three day event delivering 1,000+ meals to hundreds of families in Greenville most in need

GREENVILLE'S FRONT PORCH – NOW MORE THAN EVER

ENGAGING, ENTERTAINING, & IMPACTING THE COMMUNITY



Additional Impactful Ballpark Events

Positioning Fluor Field As A Place Of Community Healing & Celebration Despite Unprecedented Circumstances



SC Dental Assoc. PPE Pick-Up (400+ Dentists)



St. Anthony of Padua

St Anthony's Catholic Church Services & Farewell Party



GVL Tech Charter & Christ Church High School Graduations



Underground Kitchen/FoodShare SC Meals Distribution



Blood Connection Blood Drives @ Fluor Field



GREENVILLE'S FRONT PORCH – NOW MORE THAN EVER

ENGAGING, ENTERTAINING, & IMPACTING THE COMMUNITY



- 5th annual Advanced Manufacturing & Engineering Night confirmed for 9/27; unique 2020 “virtual” event format
- Inspirational event designed to **“Ignite The Passion”** for AM&E with students & the broader community, showcasing the exciting career opportunities available in the rapidly changing world of AM&E
- 1,000+ student attendance expected across all Upstate counties & schools
- Confirmed commitment & participation from the Upstate’s leading AM&E companies:
 - Greenville Technical College
 - BMW
 - Hubbell Lighting
 - Michelin
 - Milliken
 - Bosch Rexroth
 - General Electric



CONTINUED LONG TERM & EXPERIENTIAL FOCUS

FIELD STREET TRANSFORMATION PROJECT

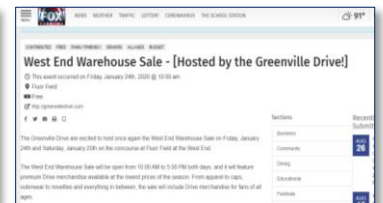
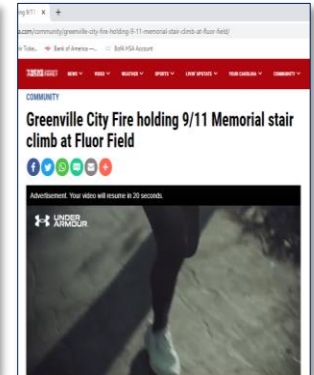
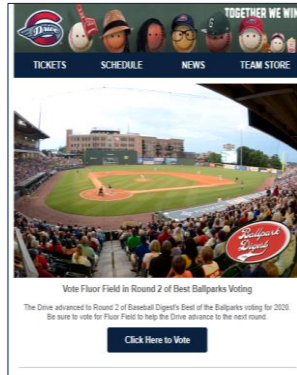
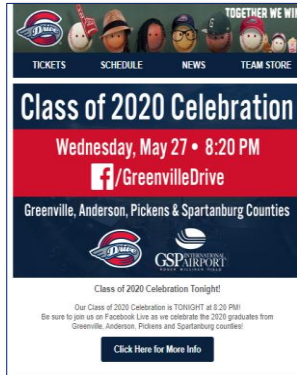
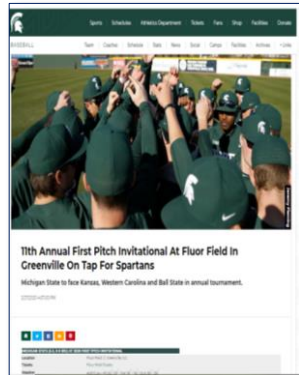


- Expansion of Fluor Field via the transformation of Field Street into a pedestrian plaza & entertainment district between the ballpark & the new 408 Jackson development (completion prior to 2022 Drive season)
- Conversion of Field Street into Greenville's downtown entertainment hub with small events, food trucks, live music, etc. on a year-round basis
- Prime example of further strengthening Fluor Field's relevancy, extending ballpark impact beyond the gates, and helping secure the Drive/Red Sox relationship on a long-term basis



MORE RELEVANT THAN EVER BEFORE

KEEPING THE DRIVE & FLUOR FIELD AT THE CENTER OF OUR COMMUNITY



HUNDREDS OF THOUSANDS OF MEDIA IMPRESSIONS ACROSS DRIVE OWNED & UPSTATE OUTLETS SINCE THE PANDEMIC HIT IN MARCH

COMMUNITY RECOGNITION & AWARDS



Powerful Recent Drive Recognitions Reflecting Our Community's Most Needed & Relevant Issues

2017



**Minor League Baseball
(160 Teams)**

John H Johnson Award
(Most "Complete" MiLB
Franchise)

2018/19



SC School Board
Champion For Public
Education

GVL Literacy Assoc.
Partner Of The Year

2020



National
Urban League

**Urban League
Of The Upstate**
Corporate Citizen Award



**Southernside
Neighborhood**
Goodwill Ambassadors
(Craig & Vicki Brown)



**Greenville County
School System**
Partner Of The Year

Community Impact/Engagement

Education & Academics

Racial/Social Justice

AREAS OF EMPHASIS GOING FORWARD



1 2021 Drive Season Confirmation

- Clarity & confirmation of 2021 Baseball Schedule (Amateur & Drive)
- Completion of MLB/MiLB negotiations including new facility standards
 - Space for Red Sox visiting staff, Video/Technology Advanced Scouting Enhancements, Private female space (coaches, umpires, etc.), Specific Fitness/Nutrition Areas, LED lighting replacement, & an additional batting cage
- Additional amenities also helpful for securing future college tournaments (e.g., ACC)

2 Affordable West End Parking

- Continued challenges with parking access & affordability in & around Fluor Field
- Added pressure from 408 Jackson & County Square redevelopment projects

3 Fluor Field Entertainment District (Jackson Way)

- Design & Construction Team In Place
- Final Design & Construction Approvals In Progress
- Project Pacing Aligned with 408 Jackson Construction

4 Long Term Business Model Sustainability

- Post COVID-19 Impact Study & Learnings



THANK YOU
FOR YOUR TIME





Tree Preservation Ordinance

**September 29, 2020
Public Input Review**

Public Input Presentation

July 22

City Staff presented the current state of our Canopy and Tree Preservation Practices

- Design / Development Group
- Sustainability Group
- Neighborhoods and General Public

2001



41% Tree Canopy

2011

+/- 33.1 million sf loss



36% Tree Canopy

2021?

+/- 59.6 million sf loss



25% - 31% Tree Canopy

2003

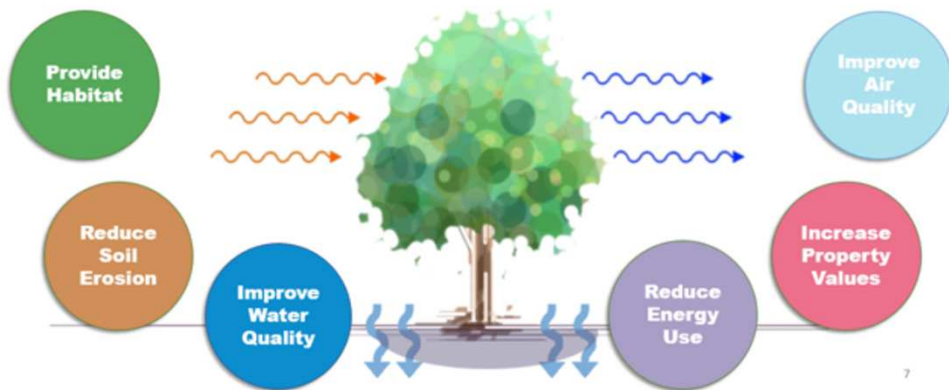


2019



Public Input Presentation

Benefits to Greenville



7

Internal Review

	Conway, SC	Mauldin, SC	Greenville County, SC	Camden, SC	Rock Hill, SC	Charleston, SC	Charleston County, SC	Charlotte, NC	Atlanta, GA	GVL Current	GVL Proposed
Trees required per acre											
Definition of Significant Tree											
Location of Significant Tree											
Protection of Significant Tree											
Mitigation for loss of Significant Tree											
Ongoing Maintenance											
Municipal Enforcement											
Internal Structure											

Stronger Weaker

Public Input Presentation

Atlanta Gold Standard

Atlanta:

- Remove a tree : Replace a tree
- If you can't replace on site:
 - 1) Plant elsewhere in the city
 - At city's determination
 - 2) Or pay fee in lieu of:
 - City tree fund
 - Arborist staffing



Parks & Recreation

16

Tree Preservation Ordinance Goals

THREE GOALS

- Simplify the existing ordinance
 - Simplify the process
 - Simplify the math
- Preserve more trees
 - Preserve through replacement requirements
 - Preserve through improved installation techniques
 - Preserve through improved public property and r/w maintenance
- Don't impact existing single-family
 - Exempt the existing SFs



Parks & Recreation

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Public Input Presentation

July 22

Released the DRAFT version of the tree preservation ordinance to all participants

- Set a two-week deadline for all responses

August 7

Received 26 Responses

- 19 were individual citizens
- 7 were group responses
 - Bluewater Engineering
 - Carolina Foothills Garden Club
 - Friends of the Reedy
 - Site Design Engineering
 - Seamon Whiteside Design Studio
 - Trees Upstate
 - Collins Group



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Emerging Themes / Friction Points



	Individual	Consultant	Individual	Interest Group	Consultant	Individual	Individual	Interest Group	Individual	Individual	Individual	Individual	Individual	Individual	Individual	Individual	Individual	Individual	Consultant	Individual	Consultant	Consultant	Individual	Interest Group	
SF exemptions	1				1										1		1	1	1	1	1		1		10
Fee-in-lieu-of program	1	1			1		1	1				1	1						1	1				1	10
Inclusion of affordable housing exemption	1							1	1	1		1		1					1					1	8
Protection of trees during construction	1	1					1	1	1												1		1		7
Blanket Approval / Support			1	1		1					1				1		1								6
Refined definition of invasive species		1					1	1				1						1			1				6
Need for additional enforcement staff								1				1			1					1				1	5
Protection of neighbors root zones		1																	1	1				1	4
Request for ordinance to directly address clearcutting						1				1		1						1							4
Refined or expanded definition of protected tree and "heritage tree" designation									1					1						1		1			4

Friction Point #1

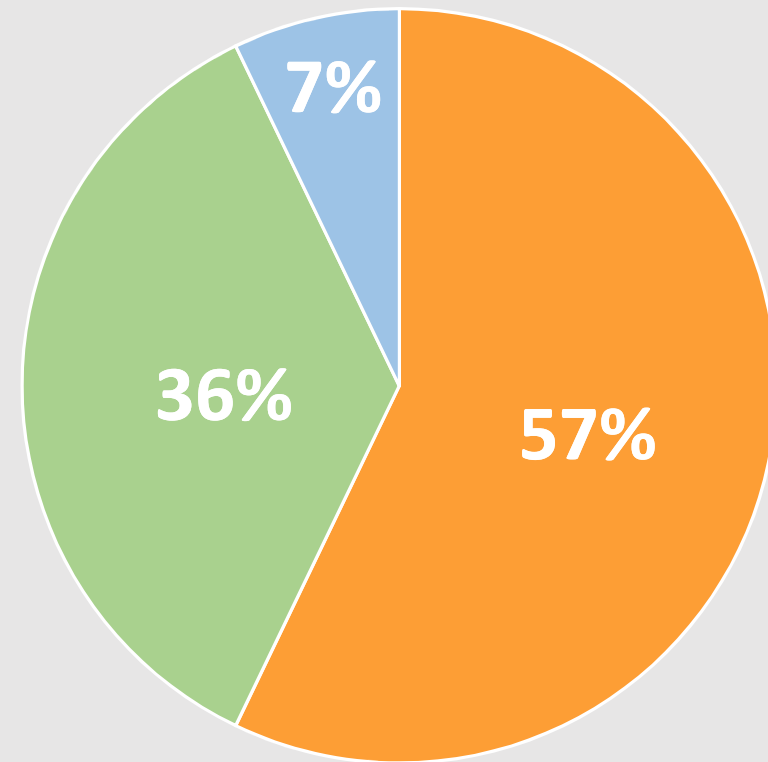
Exemption of existing single family residential from tree protection mitigation

CURRENT	PROPOSED
SF is exempt from all tree protections	SF is exempt from all tree protections

57% of respondents specifically asked for SF to be included

36% of respondents provided a blanket approval, which happens to include current exclusion

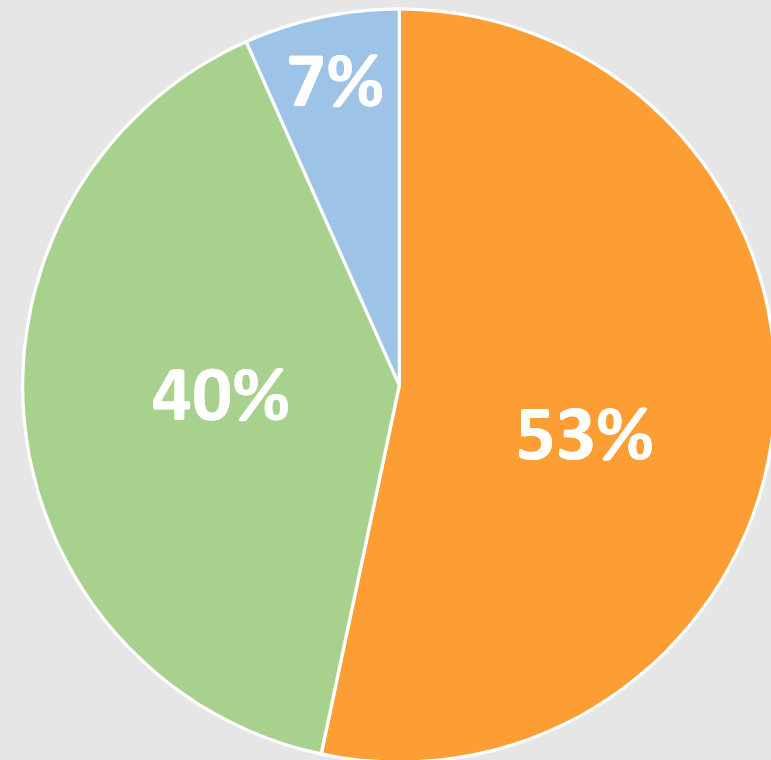
7% of respondents specifically asked for SF to be excluded



Friction Point #2

Fee-in-lieu-of Program

CURRENT	PROPOSED
For removal of historic trees (defined as only those within buffers and setbacks, SF excluded) • 20" trees shall be mitigated by two 4" trees or the market rate equivalent • 40" trees shall be mitigated by four 4" trees or the market rate equivalent Fees go toward the tree fund	Replacement of all site trees greater than 6" with a 1:1 DBH or mitigation at market rate For removal of historic trees (defined as 20" within the setback or buffer of any property, or 40" within any property) • 1:1 DBH replacement or market rate • And \$100 plus \$30 per caliper inch Fee goes toward tree fund or maintenance of existing city canopy



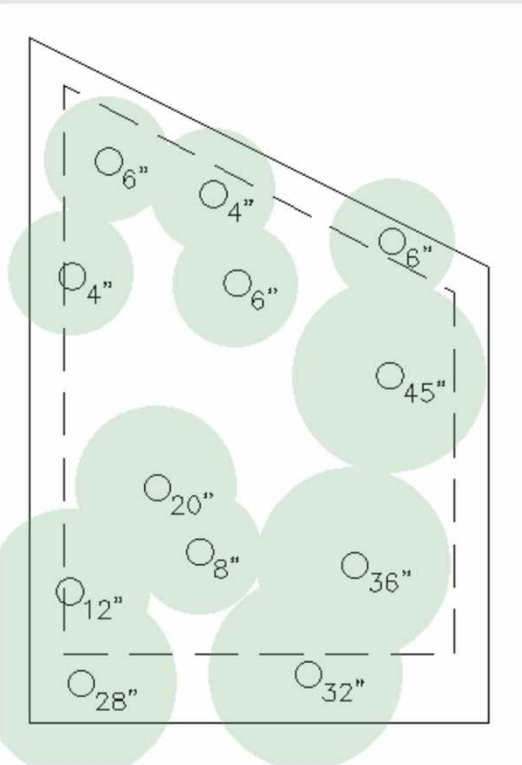
53% of respondents specifically asked for higher fees

40% of respondents provided a blanket approval of the proposed changes

7% of respondents specifically asked for lower fees

Theme #2

Fee-in-lieu-of Program



CURRENT

	Location	Replacement	Fee in lieu
4"	Interior	none	\$0
4"	Interior	none	\$0
6"	Interior	none	\$0
6"	Interior	none	\$0
6"	Interior	none	\$0
8"	Interior	none	\$0
12"	Interior	none	\$0
20"	Interior	none	\$0
28"	Setback	Two 4" trees	\$600
32"	Setback	Four 4" trees	\$1200
36"	Interior	none	\$0
45"	Interior	none	\$0

\$1,800

PROPOSED

	Location	Replacement	Fee in lieu
4"	Interior	none	\$0
4"	Interior	none	\$0
6"	Interior	Three 2" trees	\$450
6"	Interior	Three 2" trees	\$450
6"	Interior	Three 2" trees	\$450
8"	Interior	Four 2" trees	\$600
12"	Interior	Six 2" trees	\$900
20"	Interior	Ten 2" trees	\$1,500
28"	Setback	Fourteen 2" trees plus \$100 + \$30/inch	\$3,040
32"	Setback	Sixteen 2" trees plus \$100 + \$30/inch	\$3,460
36"	Interior	Eighteen 2" trees	\$2,700
45"	Interior	Twenty-two 2" trees plus \$100 + \$30/inch	\$4,750

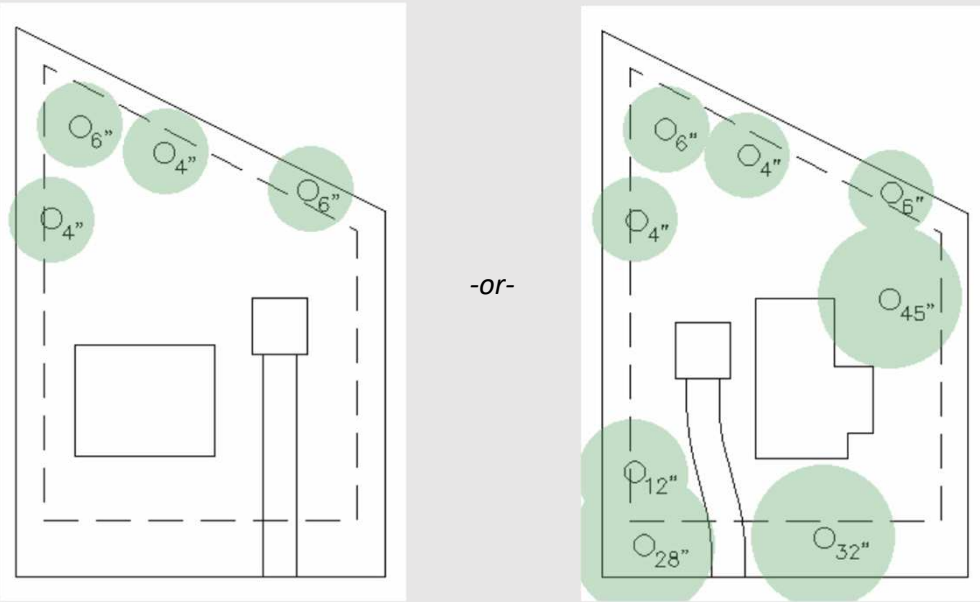
\$18,300

*Assuming a fee rate of \$150 per tree.

Theme #2

Fee-in-lieu-of Program

"Ultimately the goal is not to halt or penalize development, but to discourage thoughtless development, in favor of better more sustainable designs that preserves our shared resources and ultimately improve our communities."



Friction Point #3

Inclusion of the Affordable Housing Exemption

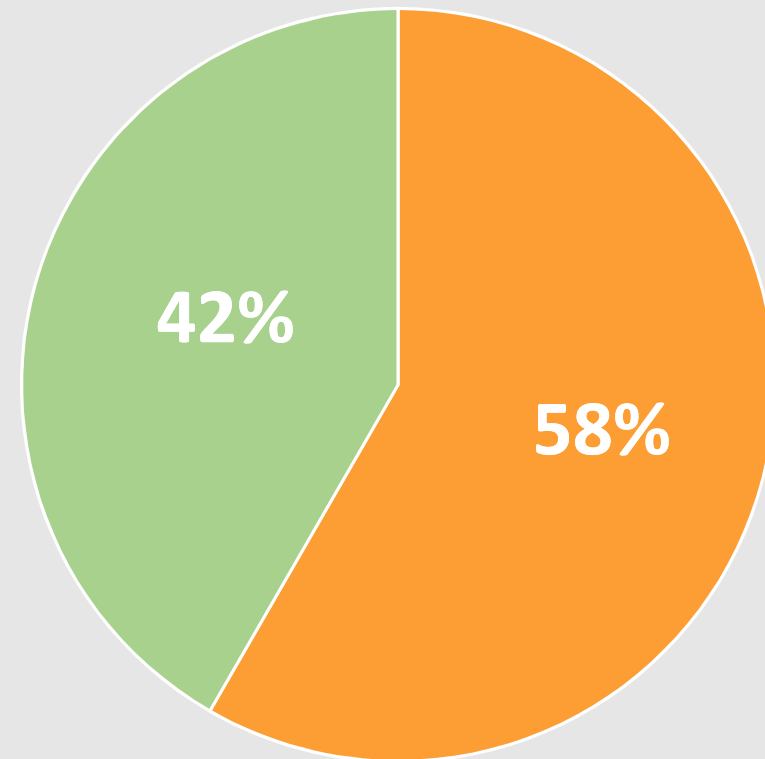
CURRENT	PROPOSED
There are no exemptions for inclusion of AF	"For new multi-family developments heritage tree* removal fees may be waived at the administrator's discretion with the inclusion of at least 10 percent affordable and/or work-force housing as defined by the Community Development Division."

* Heritage trees would only be those that are greater than 20" within setbacks or buffers, and those trees that are greater than 40" anywhere in the city (currently excluding SF)

Written in to offset development costs being passed down to the consumer

58% of respondents specifically stated that tree fee waivers should not be extended to affordable housing

42% of respondents provided a blanket approval



Themes #4 - 10

Protection of trees during construction

General approval, clarification, or increase in protections during the construction process, none of which would significantly burden development (i.e. bilingual signs on tree protections,

Blanket Approval / Support

General statements of support from individual or community groups.
"Anything is better than what we currently have."

Refined definition of invasive species

General acknowledgement that the city needs to clearly identify an invasive species list. City currently has one but its application has been sporadic.

Need for additional enforcement staff

It was noted that to better enforce our current regulations, or to possible hope to enforce new regulations, that additional staff might be necessary.

Protection of neighbors root zones

Thought was given to extending protections to neighboring trees that may be impacted by development. This is something we currently do.

Request for ordinance to directly address clearcutting

The existing ordinance does not specifically identify clearcutting as an issue or address it in any way. The proposed would require tree replacement or fee-in-lieu-of.

Refined or expanded definition of protected tree and "heritage tree" designation

The minimum size for mitigation is set at 6" DBH. Focus was placed on this as a simple way to slide the scale back and forth.

Friction Point Direct Questions

Should the new ordinance EXCLUDE Existing Single Family Residential Houses?	YES	NO	Other Options
Should fees associated with the fee-in-lieu of program be changed from the proposed?	INCREASED	DECREASED	REMAIN THE SAME
Should the new ordinance allow for fee reduction if Affordable Housing is a part of the developments?	YES	NO	Other Options

Next Steps

Pose the three Friction Point questions to the general public via online poll

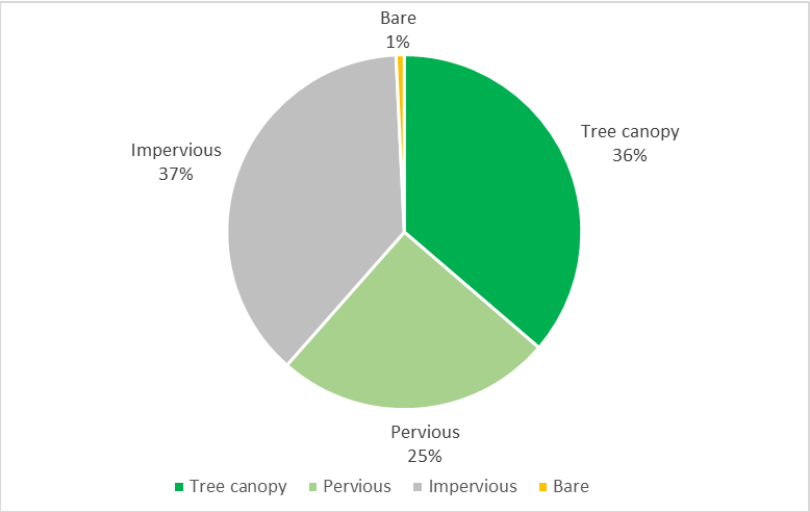
- Set a two-week deadline for all responses Sept 29nd – Oct 13th.
- Tally responses and alter ordinance as guided

Submit second draft to Planning Commission

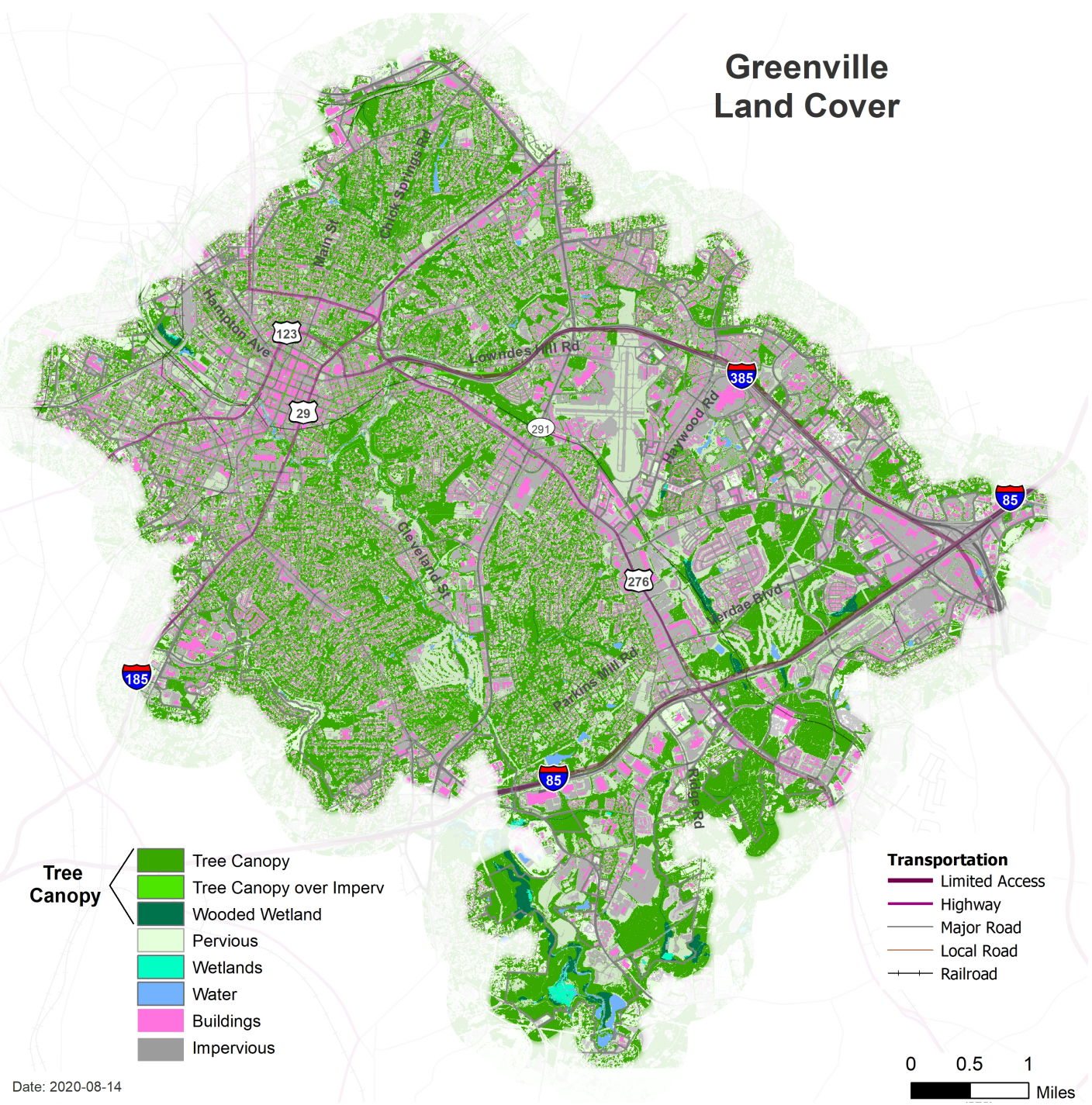
Greenville Land Cover

GREEN INFRASTRUCTURE CENTER INC.

Greenville Tree Canopy



Tree canopy (with water excluded) = 36.2%

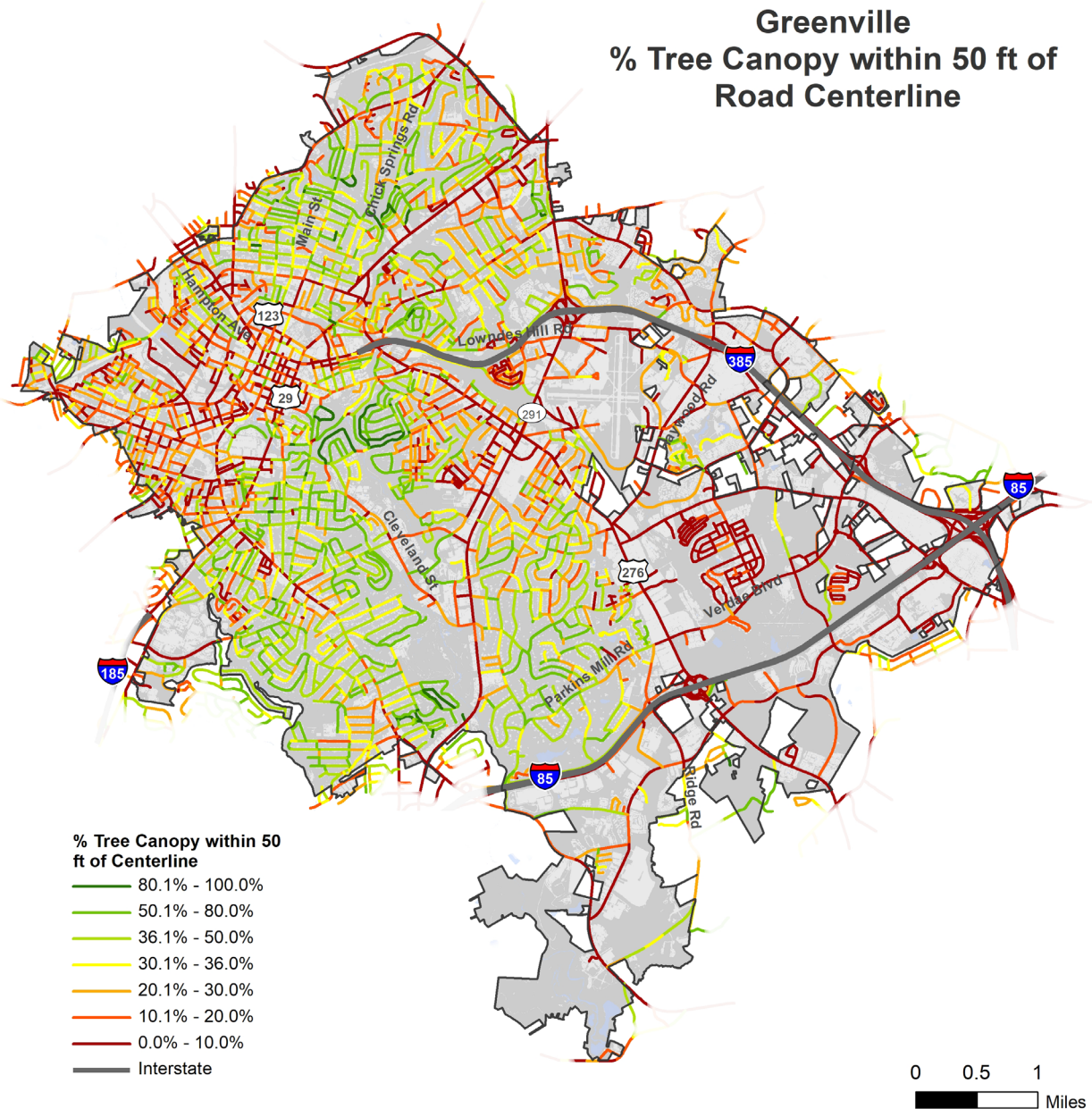


TREE CANOPY BY STREETS



GREEN INFRASTRUCTURE CENTER INC.

Greenville
% Tree Canopy within 50 ft of
Road Centerline

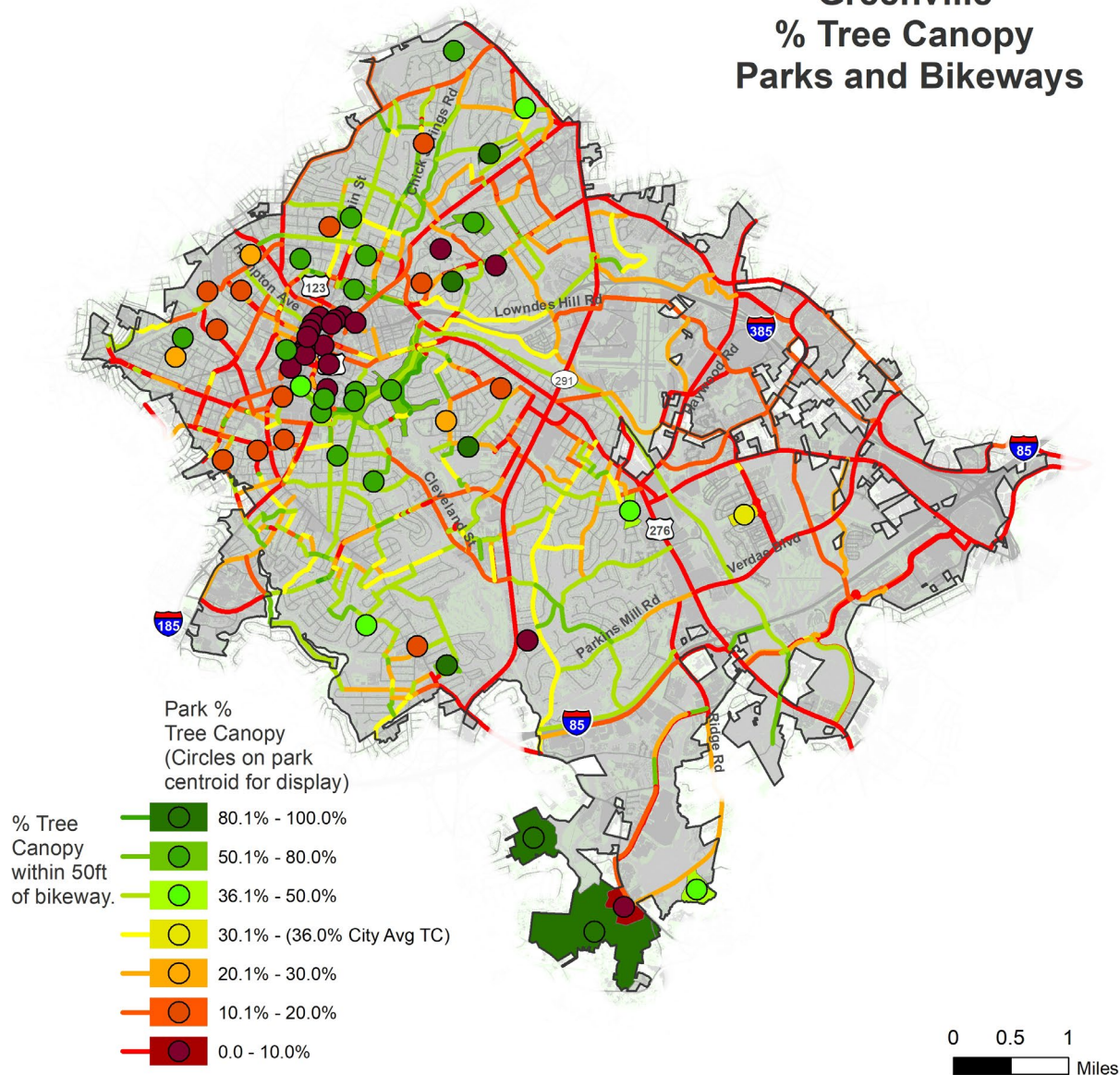


TREE CANOPY BY PARKS



GREEN INFRASTRUCTURE CENTER INC.

Greenville % Tree Canopy Parks and Bikeways



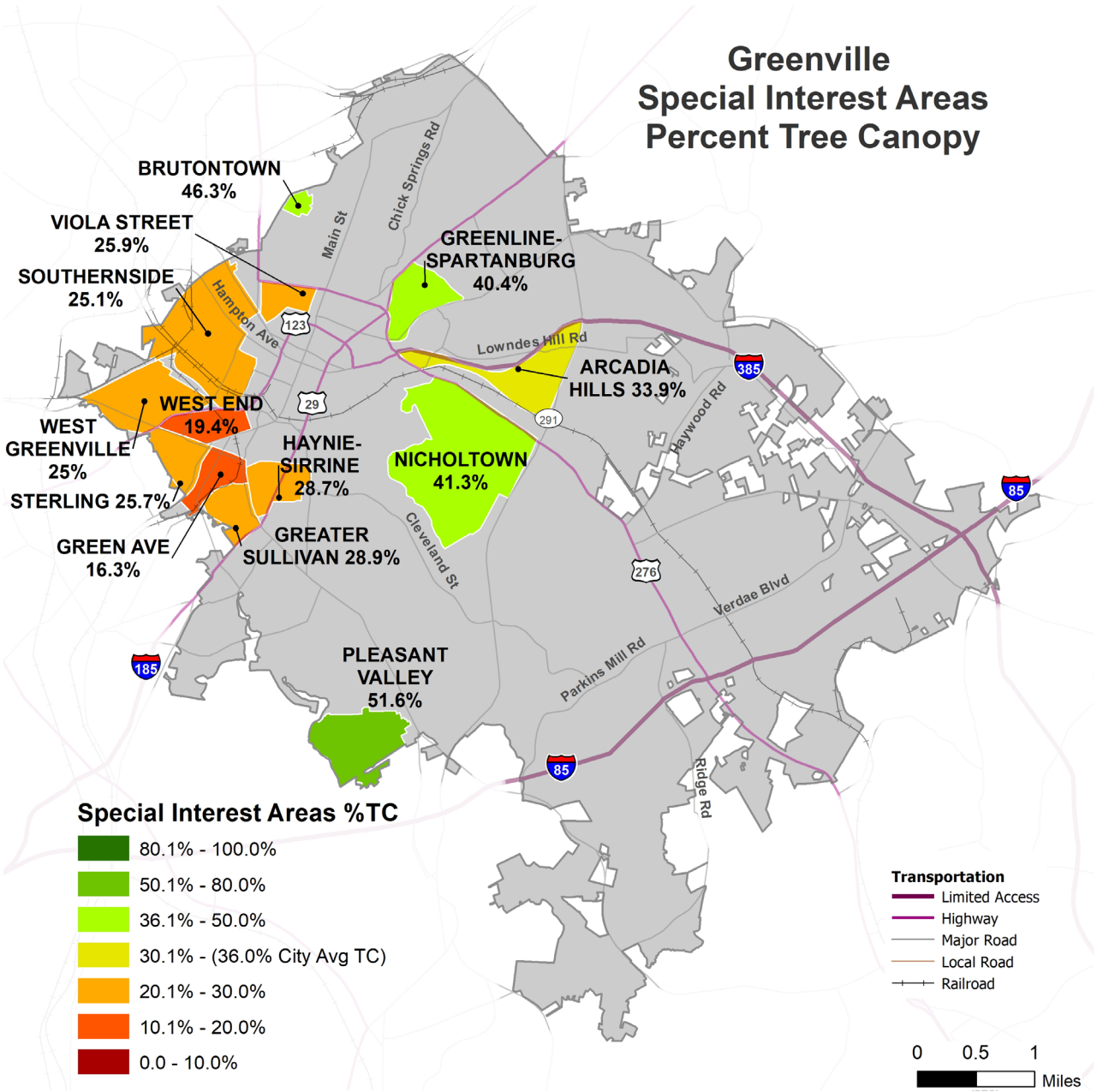
Park Name	%TC	%PTC	Difference
Mayberry Park	12.7	66.5	53.8
McDaniel Green Garden @ Cleveland Park	62.4	69.6	7.2
McPherson Park	55.7	62.9	7.2
Newtown Park	18.6	42.6	24.0
Nicholtown Community Center Park	22.9	45.4	22.5
North Main Rotary Park	54.9	71.6	16.7
Pedricks Garden @ Falls Park	14.8	15.7	0.9
Pinckney-Fludd Park	27.9	31.6	3.7
Railroad Mini-Park	12.3	52.5	40.1
Rock Quarry Garden @ Cleveland Park	52.0	62.6	10.6
Rockwood Park	44.0	85.4	41.4
Sarah Collins Park	1.5	11.1	9.6
Shaw (Rose) Garden Park	5.4	32.8	27.4
Skyland Park	18.4	39.3	20.9
Sliding Rock Creek Park	94.6	95.1	0.5
Sue Simpson Garden Park	75.2	79.8	4.6
Summit Drive Park	19.1	28.4	9.3
Thompson Gardner Park	50.2	72.3	22.1
Timmons Park	66.1	75.7	9.6
University Park	80.7	83.3	2.5
Waco Childers Park	67.0	70.0	3.0
Walker Park	53.2	55.1	1.9
Watts Park	70.9	86.8	15.9
Wenwood Soccer Complex	38.3	39.0	0.7
West Greenville Community Center Park	29.2	55.3	26.1
West Washington Park	18.4	34.4	15.9

TREE CANOPY BY NEIGHBORHOODS



GREEN INFRASTRUCTURE CENTER INC.

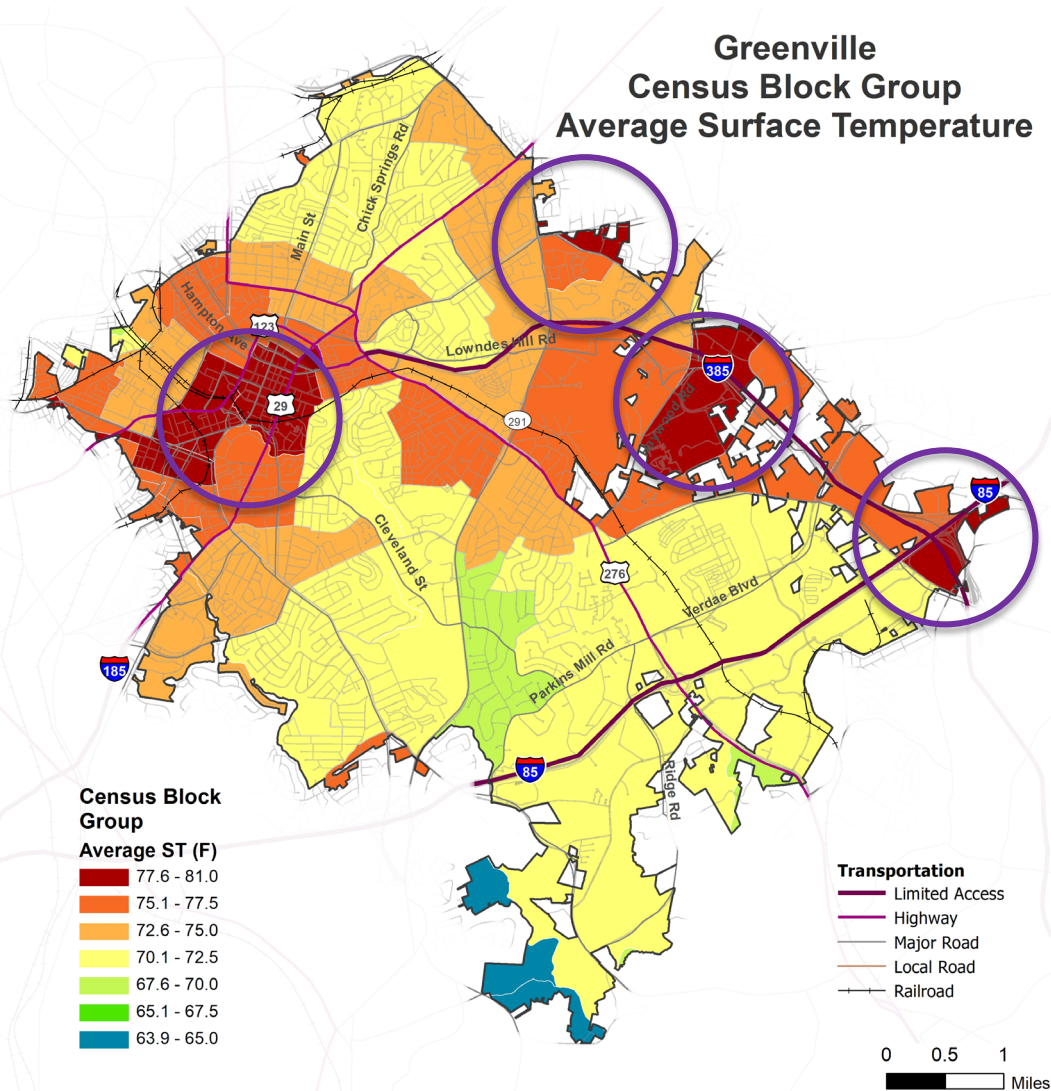
Greenville Special Interest Areas Percent Tree Canopy



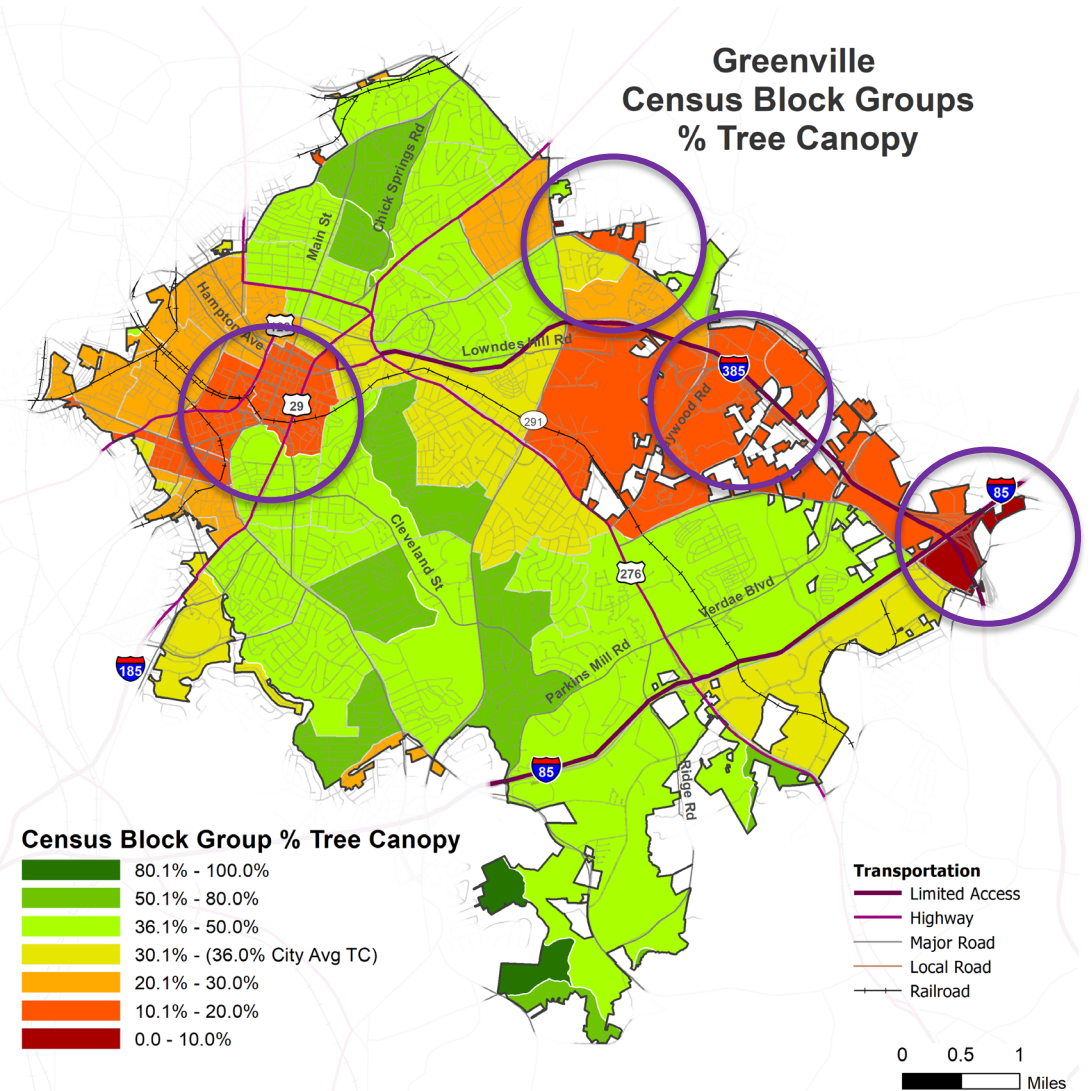
NAME	Perc_AddTC2
BRUTONTOWN	10%
GREENLINE-SPARTANBURG	9%
SOUTHERNSIDE	14%
VIOLA STREET	8%
ARCADIA HILLS	7%
NICHOLTOWN	7%
WEST END	5%
HAYNIE-SIRRINE	6%
GREATER SULLIVAN	7%
PLEASANT VALLEY	6%
STERLING	7%
GREEN AVE	5%
BRUTONTOWN	10%
STERLING	7%
GREATER SULLIVAN	7%
WEST GREENVILLE	11%

Surface Heat and Shade by Census Block Groups

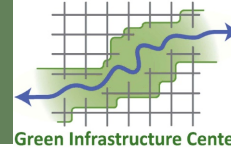
**Greenville
Census Block Group
Average Surface Temperature**



**Greenville
Census Block Groups
% Tree Canopy**

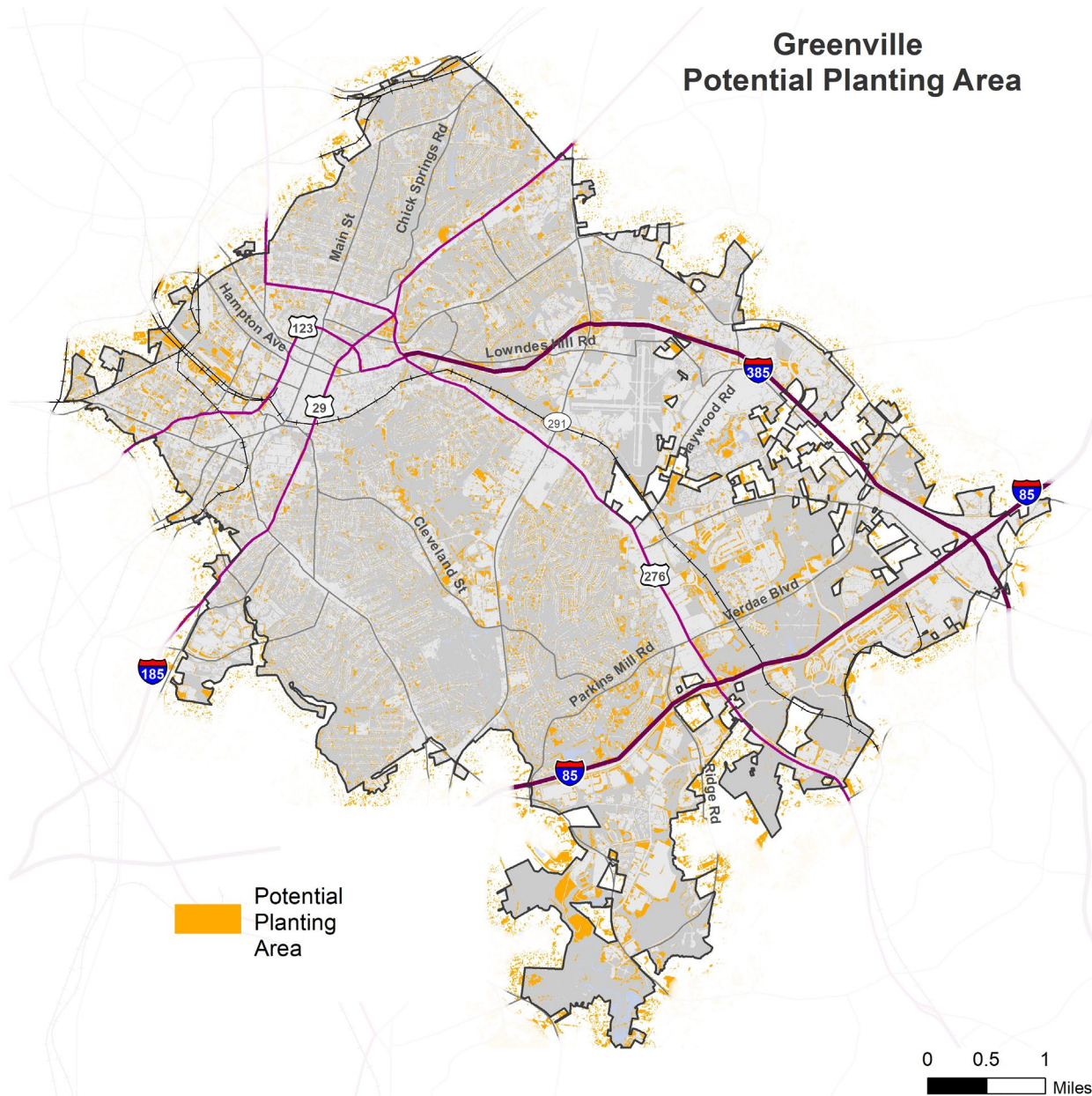


POSSIBLE PLANTING AREAS (PPA)



GREEN INFRASTRUCTURE CENTER INC.

Greenville Potential Planting Area



Possible Planting Area (PPA) for the entire city is 4.6% or 876 acres (excluding water).

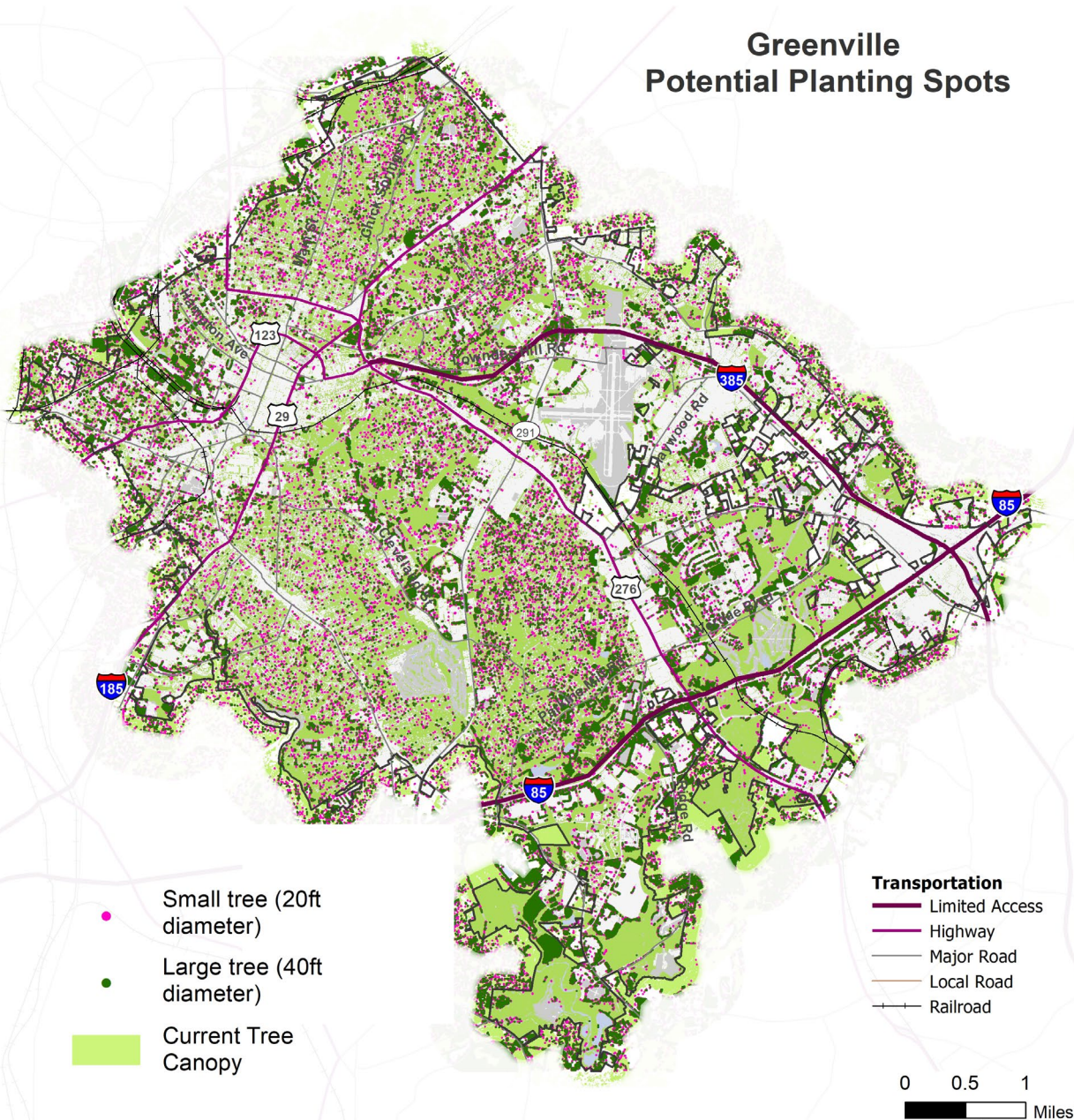
This already excludes incompatible land uses with trees such as golf courses, cemeteries, athletic fields, transmission corridors, airports, etc.

POSSIBLE PLANTING SPOTS (PPS)



GREEN INFRASTRUCTURE CENTER INC.

Greenville Potential Planting Spots



Possible Planting Spots (PPS)

**Total number of possible trees =
105,468**

Large trees (40 ft diameter crown at 20 years maturity) = **43,736**

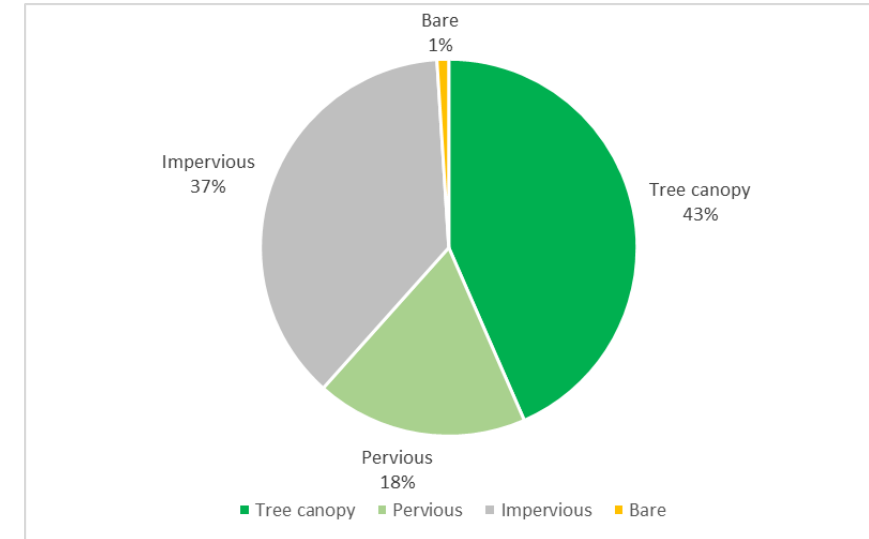
Small trees (20 ft diameter crown at 20 years maturity) = **61,732**

Greenville Land Cover Potential



GREEN INFRASTRUCTURE CENTER INC.

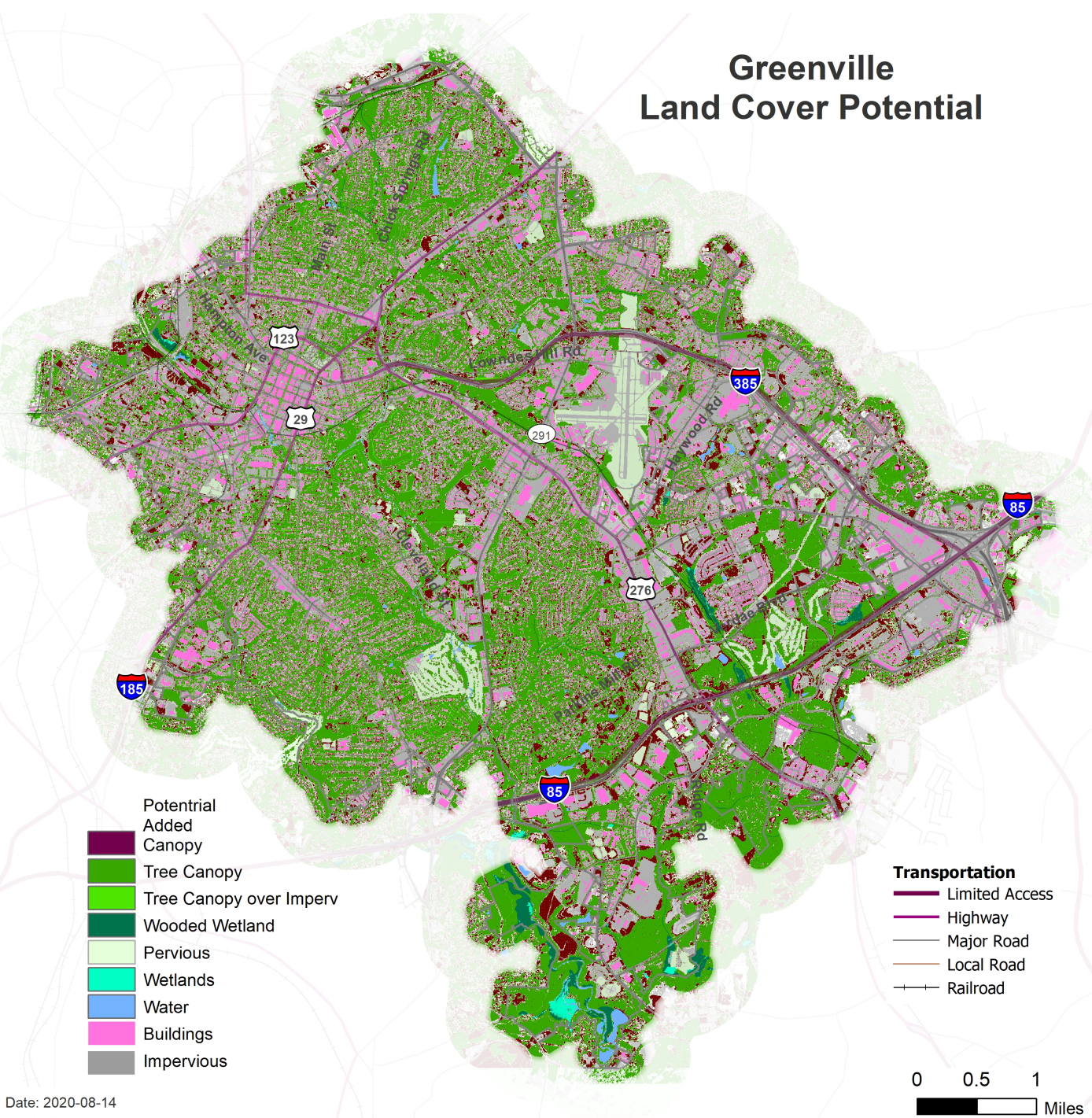
POTENTIAL TREE CANOPY



Potential Maximum Tree canopy (with water excluded) = 43.2%

Tree canopy (with water excluded) = 36.3%

Which means an increase of 6.9% canopy cover IF all of the city's PPA were planted.



ARTICLE V. - PARADES, EVENTS, BLOCK PARTIES, PERFORMANCES, FILMING AND PICKETING

Sec. 36-131. - Title of article.

This article shall be known as the "Parade, Event, Block Party, Performance, Filming and Picketing Regulation Ordinance of the City of Greenville."

(Code 1985, § 5-11-31; Code 1997, § 36-131; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-132. - Enforcement of other laws.

Nothing contained in this article shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted under this article, if the conduct of such person violates the laws of the state, provisions of this Code, or other ordinances of the city, or unreasonably obstructs the public streets and sidewalks of the city, or if such person engages in acts that cause or would tend to cause a breach of the peace, or undue disturbance, interference, or molestation of other persons making lawful use of the space in a peaceful manner.

(Code 1985, § 5-11-32; Code 1997, § 36-132; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 2008-19, 2-25-2008)

Sec. 36-133. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block party means a private outdoor gathering on a public street which involves the closure of a street and may include live or taped music and the distribution of food and beverages.

Event means any festival, concert or other announced public gathering upon any public street, right-of-way or property of the city.

Filming means any filming of movies, commercials, documentaries and other motion pictures, video projects, or commercial photographs upon any public street, right-of-way or property of the city.

Open event means any event which primarily promotes, entertainment, arts, dining, athletic competition, political activity and is generally advertised as open to the public at large without the necessity to enter by prior invitation or purchase of a ticket; events are presumed to be open events.

Parade means any parade, march, foot race, bicycle race, ceremony, pageant or procession of any kind moving upon any public street or sidewalk of the city which does not comply with normal traffic regulations.

Performance means any public presentation, exhibition, fireworks display or appearance upon any public street, right-of-way, plaza or property of the city.

Picketing and *pickets* include demonstrating and demonstrators, and other related First Amendment activity.

Private event means a wedding, commitment ceremony, fundraiser, block party in a residential neighborhood, and filming event; social activities requiring limited admission for sponsors or invited guests may be treated as private events; events requiring paid admission or tickets may be treated as private events; events involving a state, national, or international official who has special security details may be treated as a private event for the limited purpose of assuring security.

Street performance means acting, singing, playing one or more musical instruments, dancing, miming, juggling, unicycling, stilt walking, doing magic tricks, reciting, imitating statues, and engaging in

similar acts of entertainment when done on a city-owned or -controlled sidewalk, plaza, park, or similar public space.

Street performer means someone who engages in street performances.

(Code 1985, § 5-11-33; Code 1997, § 36-133; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 2008-19, 2-25-2008; Ord. No. 2012-47, § 1, 5-29-2012)

Sec. 36-134. - Permit required; exceptions.

- (a) No person shall engage or participate in, aid, form or start any parade, event, block party, performance or filming unless a permit is obtained from the city manager.
- (b) This section shall not apply to the following:
 - (1) Funeral processions supervised by a licensed mortuary.
 - (2) Picketing as permitted by city ordinance.
 - (3) A parade, event or performance that is under the control of the city parks and recreation department and is conducted on city property.

(Code 1985, § 5-11-34; Code 1997, § 36-134; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-135. - Application for permit.

- (a) *Generally.* A person seeking the issuance of a parade, event, block party, performance or filming permit shall file an application with the city manager. The city manager may authorize a city official to enforce this section. Upon receipt of the application, the city official shall notify the appropriate staff members, who will make a recommendation to the city manager as expeditiously as possible.
- (b) *Filing period; processing fee.* An application for any permit required by this section shall be made to the city official, accompanied by a nonrefundable processing fee in accordance with the schedule of permit fees as fixed from time to time by the city manager, as set forth in appendix A to this Code. The application shall be filed not less than 15 days before the date on which the parade, event, block party, performance or filming is to be conducted. An application for a major event held for two or more consecutive days shall be filed not less than 60 days before the first date of the proposed activity. However, where good cause is shown, the city manager or his designee shall have the authority to consider any application which is filed less than 15 days before the date sought.
- (c) *Contents.* The application shall be signed by the applicant, and shall include but not be limited to the following:
 - (1) The name, address and telephone number of the individual submitting the application on behalf of the person, group, or organization seeking to conduct such parade, event, block party, performance or filming;
 - (2) The name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
 - (3) The date when the proposed parade, event, block party, performance or filming is to be conducted;
 - (4) The route to be traveled, the starting point and the termination point, or the area sought to be used or closed off for the parade, event, block party, performance or filming;
 - (5) The approximate number of persons, animals and vehicles participating, and the types of animals and a description of the vehicles;
 - (6) The time when the parade, event, block party, performance or filming will start and terminate;

- (7) The location, by streets, of any assembly area and the time of such assembly for parades; or the location of such street, plaza, park, or other public area where persons will gather for an event, ceremony, or performance for events other than parades;
- (8) Provisions for sanitation facilities, crowd, noise and traffic control, security and parking as pertinent for the event;
- (9) A description of food and beverages to be sold or distributed, and if beverages containing alcohol are to be sold, then evidence of a state permit, if needed, having been issued or applied for, and a limitation of such beverages to beer and wine; and
- (10) The individuals or entity that will benefit, if revenue is anticipated to be generated by the activity.

(Code 1985, § 5-11-35; Code 1997, § 36-135; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 2004-28, § 4, 5-10-2004; Ord. No. 2008-19, 2-25-2008)

Sec. 36-136. - Issuance of permit; conditions.

- (a) *Criteria for issuance.* The city manager shall issue a permit for a proposed parade, event, block party, performance or filming unless he finds that:
 - (1) The conduct of the parade, event, block party, performance or filming will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - (2) The conduct of the parade, event, block party, performance or filming will require the diversion of so great a number of police officers of the city to properly police the line of movement and of contiguous areas that adequate police protection cannot be provided to the remainder of the city;
 - (3) The concentration of persons, animals, equipment or vehicles at assembly points or other areas will substantially interfere with adequate fire and police protection of, or ambulance service to, areas near such areas, or will hinder the movement of firefighting equipment;
 - (4) The conduct of the parade, event, block party, performance or filming is reasonably likely to result in violence to persons or property, causing serious harm to the public;
 - (5) The parade, event, block party or performance is to be held for the primary purpose of advertising a product, goods or services, and is designed to be held primarily for profit; provided, however, this subsection (a) (5) shall not apply with respect to public space improved as part of an economic development project where the applicant made a significant capital improvement in furtherance of said improvements, the use is not of such a frequency that the public space loses its public character, and the terms and conditions of the development agreement between the applicant and the city governs said use;
 - (6) The route has been requested recurrently in the past year and is too disruptive to residents or businesses; ~~or~~
 - (7) Any proposed use of public property, right-of-way or facilities will unduly interfere with the normal use of the property, right-of-way or facility by the city or the general public. Consideration shall be given to the number of people expected to be in attendance, the primary purpose of the space, other previously permitted events nearby or in the same space and occurring close in time to the proposed time. The appropriateness of the size of space requested for the type of activity proposed will be assessed so that limited space will not be expected to hold a large number of people or large space is not set aside for a limited number of people; or
 - (8) The concentration of persons within the parade, event, block party, performance or filming presents a public health hazard based upon guidance from public health authorities.-

- (b) *Liability insurance.* The city manager may require proof of public liability insurance in an amount equal to the city's liability under the Government Tort Claims Act of the state, and require the execution of a hold harmless agreement to indemnify the city in the event it is held liable for any injuries or damage as a result of the event.
- (c) *Notification of city agencies of issuance of permit.* Upon issuance of a permit, a copy shall be sent to the fire chief, the traffic engineer, the chief of police, the parks and recreation director, economic development, and any other department affected.
- (d) *Compliance with other laws.* The granting of any permit required by this article shall not eliminate:
 - (1) Requirements for any business license or any other permits which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations;
 - (2) Compliance with any other applicable federal, state or local statutes, ordinances, rules or regulations; or
 - (3) Compliance with regulations regarding the concentration of persons, animals, equipment or vehicles at assembly points or other areas which substantially damages planting or landscaping on public or private property. Adequate cleanup and sanitation must be provided.

The city manager is authorized to develop rules and regulations in order to further the purposes of this article.

- (e) *Private events.* Private events will be exempted from the requirement that the activity be open to the public at large, but may be restricted to those who have paid for admission, been invited, or otherwise secured admission from the permittee, or the permittee's authorized agent.
- (f) *Open events.* Open events must be open to all persons desiring to attend and conducting themselves without undue disturbance of the event's purpose.

(Code 1985, § 5-11-36; Code 1997, § 36-136; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 2008-19, 2-25-2008)

Sec. 36-137. - Notice of action on application.

The city manager shall act upon the application for a permit required by this article as expeditiously as possible, notifying the applicant by mail of the decision. If the application is disapproved, the reasons therefor shall be set out in writing.

(Code 1985, § 5-11-37; Code 1997, § 36-137; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-138. - Approval of permit under alternative date, time, route or conditions.

The city manager, in denying an application for a permit under this article, shall be empowered to authorize the conduct of the parade, event, block party, performance or filming on a date, at a time, or over a route and under different conditions from that requested by the applicant.

(Code 1985, § 5-11-38; Code 1997, § 36-138; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-139. - Duties of permittee.

- (a) *Generally.* A permittee under this article shall comply with all permit directions and conditions.
- (b) *Display or carrying of permit.* The applicant, individual, or any representative of the organization shall display the permit or carry it upon his person during the parade, event, performance or filming.

- (c) *Special event vendor's permits.* No event which features businesses or organizations providing goods or services for compensation shall be issued an event permit, unless the permittee under this article shall obtain for each such business or organization a special event vendor's permit from the city in accord with such measures as the city manager shall prescribe. Each permittee must designate an individual who will be responsible for identifying all vendors and for collecting on behalf of the city all fees as provided in this section. The special event vendor's permit shall be valid for no longer than the duration of the permitted event, up to a maximum period of two months. The fee charged for the special event vendor's permit shall be in accord with any fee schedule which may be adopted and amended from time to time by council.

(Code 1985, § 5-11-39; Code 1997, § 36-139; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 98-20, 4-13-1998)

Sec. 36-140. - Public conduct.

- (a) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade, event, performance or filming, or with any person, vehicle or animal participating or used in the event.
- (b) *Driving through parade or event.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles are in motion and are conspicuously designated as a parade, nor shall any driver drive around or through any event or a properly designated or barricaded area.
- (c) *Parking on parade route or event location.* The city manager shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for a parade, event, performance or filming, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (d) *Glass containers.* No glass bottle, containers or cans may be sold or distributed on the public right-of-way, and no patron may carry a glass bottle, container or can on the public right-of-way during a parade, event, performance or filming. It shall be unlawful for any vendor to sell beverages in glass containers for off-premises consumption at parades or events.

(Code 1985, § 5-11-40; Code 1997, § 36-140; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-141. - Payment of costs of services and equipment provided by city.

The city manager may impose reasonable fees and requirements upon the applicant as are necessary to cover the cost of public services and equipment provided by the city for the event. The applicant or sponsor shall be responsible for cleanup after an event. A bond may be required.

(Code 1985, § 5-11-41; Code 1997, § 36-141; Ord. No. 96-3, § 1, 2-12-1996)

Sec. 36-142. - Picketing.

- (a) *Conduct of picketing; penalty.* For purposes of this section, *picketing* means an organized effort to express publicly a point of view at a given place with signs, oral statements, or the like in a systematic manner, which involves walking or standing in the same area for a prolonged period of time. Peaceful picketing in the furtherance of a lawful purpose shall be allowed in the city, provided the picketing is done under the following conditions:
- (1) Picketing may be conducted only on the sidewalks, on the grounds of a city-controlled park or plaza, or in other city-owned areas or rights-of-way normally used or reserved for pedestrian

movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.

- (2) Such picketers must provide notice as required under subsection 36-142(b).
- (3) Such picketers may carry written or printed signs (which such term shall be interpreted to include flags), provided the signs do not interfere with the free use of the sidewalk or rights-of-way by other pedestrians. Such signs, with reasonable use, shall be deemed to comply if they are composed of paper, cardboard, poster board, cloth, vinyl, or similarly non-rigid material; do not exceed 1/32 inches in thickness; do not exceed 20 inches by 30 inches or 600 square inches in the case of signs composed of paper, cardboard, poster board, or similar material; and do not exceed four feet by six feet in the case of signs composed of cloth, vinyl, or a similar material. Signs exceeding these dimensions are presumed threats to safety.
- (4) Such picketers on sidewalks or on right-of-way normally used or reserved for pedestrian movement must march or stand single file and not congregate so as to block any sidewalk, driveway, or business entrance. All laws pertaining to the orderly flow of pedestrians must be obeyed.
- (5) For public safety reasons, the following are prohibited in the immediate proximity of pickets, and due notice shall be included in every receipt of notice of intent to picket that these restrictions apply:
 - (i) Open flames and combustible solids;
 - (ii) Sticks, poles, selfie sticks, or other similar elongated solid objects capable of inflicting bodily harm as a striking or stabbing object, excluding commercially available corrugated cardboard tubing as the supporting article for signs, flags, and the like;
 - (iii) Backpacks, satchels, bags, coolers, or similar personally carried containers exceeding six inches by eight inches by three inches, except when said container is completely clear and see through;
 - (iv) Any firearm or ammunition except as permitted by the South Carolina Code of Laws;
 - (v) Any mechanical or handmade contrivance that launches any projectile of solid, liquid, or gaseous composition, including aerosols/pressurized canisters;
 - (vi) Any stabbing, cutting, slicing, or striking blade, whether of metal or other solid composition;
 - (vii) Any striking object, such as a bat, stick, brass knuckles, martial arts weapons, implement handles and the like, which would inflict bodily injury;
 - (viii) Any facial mask, headgear, or cloth worn over any portion of the face which prevents facial identification of a person 14 years of age or older;
 - (ix) Any carried object that resembles or serves the purpose of a shield;
 - (x) Any armor or defensive covering that resembles or serves the purpose of defensive body armor;
 - (xi) Carried signage exceeding the size restrictions set forth in subsection 36-142(a)(3); and
 - (xii) Bicycles, automobiles, and mopeds.

This subsection shall not apply to law enforcement officers while in the discharge of their duties.

- (6) Picketing done contrary to this section shall be unlawful, and each individual in violation shall be subject to a fine of up to \$50.00 for the first offense, and a fine of up to \$100.00 for the second and subsequent offenses within a period of two years.

(b) *Notice.*

- (1) No notice of intent to picket is required for picketing by a group of ten or fewer individuals on a sidewalk, or by a group of less than 25 individuals on the grounds of a city-controlled park or plaza, or in other city-owned areas or rights-of-way normally used or reserved for pedestrian movement.
- (2) A notice of intent to picket must be submitted to the city manager or his designee in a form approved by the city manager and in accordance with the time limits and guidelines established in Table 36-142.1. The city manager shall make the notice of intent to picket form available online, and at multiple locations throughout the city, including city hall and the law enforcement center. The notice shall include the following information:
 - (i) The name, address, and contact telephone number of the organizer of the picket;
 - (ii) The name, address, and contact telephone number of the person who will carry the receipt of notice if different from the organizer;
 - (iii) The location where the picket is to take place;
 - (iv) The date and time the picket will begin and end; and
 - (v) The anticipated number of participants and the basis on which this estimate is made.
- (3) Upon notice of intent to picket given in accordance with subsection 36-142(b), the city manager or his designee shall immediately issue a receipt of notice. If notice is submitted for the same date, time, and location as a notice for which a receipt has already been issued, the receipt shall be issued for a location as close as reasonably possible to the location set forth in the notice. The receipt shall contain all information stated in the notice. The organizer of a picket, or the person designated in the notice as the one who will carry the receipt of notice, shall be responsible for maintaining the receipt and shall present it when so requested by a law enforcement officer or other city official.
- (4) Spontaneous pickets which are occasioned by news or affairs coming into public knowledge less than 48 hours prior to such picket may be conducted in the plaza in front of city hall without the organizer(s) first having to provide notice under this subsection. In the event the plaza area cannot safely accommodate the number of persons assembled, a shift commander or supervisor of the police department of the city shall direct the picketers to a suitable alternate location.
- (c) *Interference with pickets.* It shall be unlawful for any person to interfere physically with such pickets in the use of the sidewalk or address profane, indecent, abusive or threatening language to or at such pickets or others to breach the peace.
- (d) *Crowd dispersal.* A shift commander or supervisor of the police department of the city may, in the event of the assemblage of persons in such numbers as to tend to intimidate picketers pursuing their lawful objective through numbers alone or through use of inflammatory words or threatening gestures that are ordinarily used to intimidate people, direct the dispersal of persons so assembled, and any police officer may arrest any person who fails to leave the place of assemblage when so directed by the police.
- (e) *Restrictions.* Persons engaging in picketing activity cannot do so inside an area designated as an event area for which a permit has been granted to another individual or group under this article, if the picketing behavior has the effect of interfering with, hampering, hindering, or getting in the way of those participating in the permitted event in accordance with its purposes or with the general public making use of the space for its ordinary and customary purposes. Whenever any police officer or municipal employee charged with monitoring or supervising event activity determines the picketing behavior is interfering with, hampering, hindering, or getting the way of others as provided in this section, then the officer or employee may direct the picketers to relocate to other public space in reasonable proximity where such conduct can continue, if lawful, so long as the picketing does not interfere with, hamper, hinder, or get in the way of persons participating in the event for its intended purposes or of members of the general public making use of the public space for its ordinary and customary purposes.

Table 36-142.1. - Picketing Table.

An organizer of a picket that the organizer knows or should reasonably know will be by a group of a size set forth in this table shall give at least the corresponding minimum advance notice of intent to picket set forth in this table to the city manager or his designee.

Group Size	Place for Picket	Minimum Advance Notice Required
11-50	Sidewalk	3 hours
25-50	Any public place allowed under subsection 36-142(a) except sidewalks	3 hours
51-100	Any public place allowed under subsection 36-142(a)	48 hours
101-200	Any public place allowed under subsection 36-142(a)	72 hours
201-400	Any public place allowed under subsection 36-142(a)	5 calendar days
Greater than 400	Any public place allowed under subsection 36-142(a)	7 calendar days

(Code 1985, § 5-11-42; Code 1997, § 36-142; Ord. No. 96-3, § 1, 2-12-1996; Ord. No. 2008-19, 2-25-2008; Ord. No. [2017-106](#), 11-27-2017)

Sec. 36-143. - Street performances.

- (a) *Street performances authorized.* A street performer, as defined in section 36-133, may engage in a street performance as defined in section 36-133, on city-owned or -operated sidewalks, plazas, parks and other public places, other than vehicular areas in streets and motor vehicle parking lots, so long as the street performer obtains a street performance permit pursuant to this section and complies with the provisions of this section. A street performer acting in compliance with this section does not need any other permit required under this article and is not subject to rules and regulations applicable to other special events as provided for in this article.

- (b) *Permit requirements.* No street performer may engage in street performances without first obtaining a street performance permit from the city manager or his designee, in accordance with reasonable administrative procedures established by the city manager. The information required on a permit application shall be that which reasonably relates to the performer's identity and current contact information and which specifies the type of performance activities the performer intends to provide. Each applicant must also submit a criminal records check from the city police department. The city reserves the right to deny a permit with a conviction for an act that would represent a potential threat to public safety or security for a viewing audience. Each street performance permit applicant must complete a permit application at least 24 hours prior to the first street performance of the permit's term.
- (c) *Permit term.* The permit shall be valid from the time of issuance until the next March 15. Thereafter, the permit may be renewed on or before each March 15 upon the completion of a new application and payment of the standard permit fee.
- (d) *Permit fee.* The city manager shall from time to time set a standard fee adequate to cover or offset the administrative costs of processing a permit application, issuing a permit, maintaining a file on current and inactive permits, and assuring compliance. The permit and the permit fee under this section are in lieu of any other license, permit, tax, or fee, otherwise required by the city for the conduct of performances or the receipt of revenue for performances.
- (e) *Permit appearance and display.* Each permit shall include a current photograph, which shall be passport size, as submitted by the street performer applicant in the most recent application. The permits shall be numbered and contain the name of the permitted street performer. The city shall laminate permits at the time of issuance. Street performers shall keep the permits prominently displayed on their persons, or at the place of performance, during the time of performance.
- (f) *Nontransferable.* Permits are issued to individuals only, even if two or more permittees perform as a group. No permittee may transfer an issued permit to another person.
- (g) *Excluded areas.* Street performances are not permitted within 50 feet of the structure which is a school, hospital, funeral home, or court house and which is designated as such. No performance may occur within 50 feet of the property line of a cemetery. No performance shall occur within an encroachment area for dining on a public sidewalk. No performance activity shall interfere with or impede the flow of pedestrian traffic at a crosswalk, building entrance, private patio, curb cut, or entrance into an encroachment area for dining. No performance activity shall be allowed in a special event area permitted by the city without the express written authorization of the event sponsor. No street performer may perform within 50 feet of another street performer; however, this provision shall not preclude street performers who are performing together from performing in close proximity to one another. In addition: the city, after at least ten days' published notice in a newspaper of general circulation and a posting of notice at or near the proposed site, may hold a public hearing to receive comments on whether to exclude additional sites at which street performances shall be excluded. Persons may also submit written comments. The city manager shall assess such information thereby developed and may exclude additional sites for good cause related to public safety, public health, public peace, or the peaceful enjoyment of nearby premises.
- (h) *Excluded performances.* Performances with flames or fireworks are excluded unless the performer first obtains a written authorization from the fire marshal setting forth the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with knives, daggers, swords, and like sharp instruments are excluded unless written authorization is first obtained from the police department setting the conditions of authorization, if any is to be granted, for the time, place, and manner of the performance. Performances with chalk drawings on sidewalks are excluded unless the performer first obtains the written authorization, if any is to be granted, from the public works director, setting conditions for the time, place and manner of the performance. The use of animals is excluded. Where written authorizations are required under this subsection, the performer shall maintain them at the location of the performance at all times during the performance.
- (i) *Times of performance.* Permitted street performances may occur between 10:00 a.m. and 10:00 p.m. all days of the week.

- (j) *Gratuities.* No performer may solicit payment from any individual before, during, or after a performance. However, a performer may invite a group as a whole to show appreciation for the performance at the end of a performance by placing money in a designated receptacle of any reasonable size that it does not block pedestrian traffic at the performance site. The receptacle may remain open before, after, and during the performance and may have with it a sign which invites gratuities, provided the sign is no larger than 12 inches by 18 inches. The use of such open receptacles evidencing intent to receive money is prohibited unless a street performance is in preparation, underway, or just concluded.
- (k) *Sound level and amplification.* All street performers in conducting street performance activities shall be subject to the city's noise ordinance contained in section 16-91 et seq. Performances with sound amplification are excluded unless the city manager or his designee issuing permits determines that the amplification is necessary or proper for the musical or other sound component of a performance and that reasonable steps are being taken as described in the permit to avoid the likelihood of undue public disturbance. Necessary or proper amplification includes, but is not limited to, background musical accompaniment for dancing, juggling, singing, or the like, as well as amplification for flute, piccolo, and other low volume wind instruments needing amplification to be heard outside.
- (l) *Disturbance and interference.* No person shall willfully and maliciously interfere with or disturb a permitted street performer engaged in a street performance. No street performer shall engage in acts that would disturb a person of normal sensibilities. Nothing in this provision shall be interpreted to preclude benign or jovial interaction between street performers and members of the audience.
- (m) *Sidewalk blockage.* Whenever the audience gathering around a street performance is of such size or configuration as to block or unduly impede safe pedestrian movement on sidewalks, plazas, parks, or similar public space, then a police officer may direct members of the audience to keep space open for pedestrians or, if necessary, direct the performer to move to a nearby location where there is less likely to be an undue interference with the movement of pedestrians.
- (n) *The sale of goods.* No street performer may sell or offer for sale t-shirts, toys, CDs, or any other goods, unless the goods so sold relate to the performer's authorized activities under the street performer's permit. All street performers electing to offer such goods for sale shall obtain a street vendor's license and abide by the terms of the license. However, a street performer is not required to rent a cart, select a specific site, or pay for space rental.
- (o) *Insurance.* Based on the character of the permitted performances, the city may determine that liability insurance is needed to address claims of injury and damage sustained by members of the public at large, owners and occupants of real property, and the city. Such policies by certificate shall name the city as an additional insured.
- (p) *Violations.* Any person violating this section shall be subject to section 1-5, the general penalty clause. In addition, and separate from any proceeding in the municipal court, the city may suspend or revoke the permit of any permitted street performer determined by the city manager to have violated this section two or more times within a six-month period. Such suspension or revocation must be preceded with written notice sent to the address listed on the current permit's completed application or hand delivered to the recipient by a law enforcement officer. Such notice must provide at least ten days' notice of a hearing before the city manager or a hearing officer appointed by the city manager.

(Code 1997, § 36-143; Ord. No. 2012-47, § 2, 5-29-2012)