

PROPOSITION L

Shall certified street artists, subject to regulations made by the Board of Supervisors, be permitted to sell only on public sidewalks or public areas designated by the Board of Supervisors?

STREET ARTIST ORDINANCE PROPOSITION L

AN ORDINANCE RELATING TO THE REGULATION OF STREET ARTISTS AND CRAFTSMEN, ESTABLISHING AN ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS, PRESCRIBING CERTIFICATION PROCEDURES, AND PROCEDURE FOR DESIGNATION OF SALES AREAS; AND REPEALING INITIATIVE APPROVED AS PROPOSITION "J" AT THE ELECTION HELD ON JUNE 4, 1974.

Be it ordained by the people of the City and County of San Francisco:

Section 1. An ordinance is hereby enacted and approved, regulating certain activities of street artists and craftsmen, reading as follows:

REGULATING STREET ARTISTS AND CRAFTSMEN

- Sec. 1. Definitions.
- Sec. 2. Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointments; Compensation; Terms; Chairman; Secretary.
- Sec. 3. Application.
- Sec. 4. Examination.
- Sec. 5. Issuance of Certificate.
- Sec. 6. Certificate Fee; Period.
- Sec. 7. Regulating Street Artists and Craftsmen.
- Sec. 8. Designation of Sales Areas.
- Sec. 9. Repeal.

SEC. 1 Definitions. For the purposes of this ordinance the following words or phrases shall mean or include:

(a) "Art Commission". The Art Commission of the City and County.

(b) "Advisory Committee". The Advisory Committee of Street Artists and Craftsmen Examiners of the City and County.

(c) "City and County". The City and County of San Francisco.

(d) "Family Unit". Two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof, or, two or more physically or mentally handicapped persons participating in a formal rehabilitation program a part of which includes activities for the creation of arts and crafts by said persons.

(e) "Person". Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character; provided, however, that whenever a right, privilege, or power is conferred upon a person by the provisions of this ordinance, the term "person" shall mean an individual natural person.

SEC. 2. Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointment; Compensation; Terms; Chairman; Secretary.

There is hereby established an Advisory Committee of Street Artists and Craftsmen Examiners who shall advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission. The Advisory Committee shall consist of five members to be appointed by the Mayor. Four of said members shall be experienced artists or craftsmen and each such member shall be appointed from among three persons whose names shall have been submitted to the Mayor for appointment by the Art Commission, and one of the members shall be an art educator. Each member shall be compensated for the time he or she spends in this capacity as assigned by the Chairman at a rate of pay to be established from time to time by the Board of Supervisors. The term of each member shall be two years, provided that the five members first appointed by the Mayor shall, by lot, classify their terms so that the terms of two members shall be for a period of one year and the terms of three members shall be for a period of two years, and upon the expiration of these and successive terms, the Mayor shall appoint their successors for a two-year term in a manner similar to that described herein for the initial members. In the event a vacancy occurs during the term of office of any member, the Mayor shall appoint for the unexpired term of the office vacated, a successor in a manner similar to that described herein for the initial members. The Advisory Committee shall elect

from its members a Chairman and a Secretary to hold office for one year, or until their successors are duly elected and qualified. The Secretary shall keep an accurate record of all proceedings of the Advisory Committee which shall be open to inspection by the public at all times.

SEC. 3. Application. Every person desiring certification as a street artist or craftsman pursuant to this ordinance shall file an application with the Art Commission upon a form provided by said Commission. Except as otherwise provided for herein, said application shall specify:

(a) the applicant's residence address; place of employment where the work of art is produced and the mailing address of a person through whom the applicant may always be reached shall appear on the application.

(b) a description of the art or craft item for which the applicant seeks certification.

(c) a declaration under penalty of perjury that the art or craft item for which he seeks certification is of his own creation or the creation of his family unit, and that he neither employs other persons nor is employed by another person in the production of the art or craft item for which he seeks certification.

SEC. 4. Examination. Upon receipt of an application filed pursuant to this ordinance, the Executive Director of the Art Commission shall fix a date for Advisory Committee consideration and action upon said application and shall notify the applicant of said date.

In its consideration of an application, the Art Commission shall examine representative samples of the applicant's work for the purposes of verifying the information set forth in the application. After such examination, and for the purposes of further investigation, the Art Commission may designate one or more of its members to visit the studio or workshop of the applicant to view the applicant's facilities and to further verify that the art or craft item for which the applicant seeks certification is of his own creation or those of his family unit.

SEC. 5. Issuance of Certificate. If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

SEC. 6. Certificate Fee; Period. The fee for any certificate issued pursuant to the provisions of this ordinance shall be twenty dollars (\$20.00) and said certificate shall be valid for a period of three months from the date of issuance.

SEC. 7. Regulating Street Artists and Craftsmen.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are permitted, unless duly certified as a street artist or craftsman pursuant to the provisions of this ordinance, or duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(b) It shall be unlawful for any person certified as a street artist or craftsman pursuant to the provisions of this ordinance to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are not permitted, unless duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(c) All or part of funds derived from the fees paid by street artists and craftsmen may be assigned by the Board of Supervisors to the Art Commission for use in paying members of the Advisory Committee as set forth in Section 2 above and to the San Francisco Police Department for enforcement of this Proposition.

SEC. 8. Designation of Sales Areas. The Board of Supervisors, by resolution after public hearings thereon, may designate areas in or on any public street or public place where any street artist or craftsman certified pursuant to the provisions of this ordinance may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his own creation; provided, however, that any designation of an area in a public place under the jurisdiction of an officer, board of commission of the City and County shall be subject to the approval of such officer, board or commission. In designating such areas, the Board of Supervisors may impose such conditions and limitations as, in its discretion, are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property, including interference with use, view or enjoyment of public parks.

SEC. 9. Repeal. The initiative ordinance relative to permits and licenses for street artists, approved by the electorate as Proposition "J" on the ballot for the election held in the City and County of San Francisco on June 4, 1974, is hereby repealed.

Ordered submitted: Board of Supervisors, San Francisco, Jun 9, 1975.

Ayes: Supervisors Barbagelata, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder, Pelosi, Tamaras, von Beroldingen.

I hereby certify that the foregoing ordinance was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

GILBERT H. BOREMAN, Acting Clerk

MOTION

AUTHORIZING BALLOT ARGUMENT FAVORING PROPOSITION "L", CHARTER AMENDMENT RELATING TO A PROPOSED ORDINANCE REGULATING ACTIVITIES OF STREET ARTISTS.

IT IS HEREBY MOVED, That pursuant to Section 5.77 of the Administrative Code, the Board of Supervisors does hereby authorize a ballot argument favoring approval by the electorate of the proposed Charter amendment relating to a proposed ordinance regulating activities of street artists;

and, be it

FURTHER MOVED, That the full text of said argument hereby authorized be as shown in the draft attached to this motion and is hereby declared to be a part hereof; and, be it

FURTHER MOVED, That the Registrar of Voters be and is hereby authorized and directed to include said argument in the pamphlet accompanying the sample ballots to be mailed to the voters of the City and County of San Francisco for the election to be held on Tuesday, November 4, 1975.

Adopted—Board of Supervisors, San Francisco, Sep 2, 1975.

I hereby certify that the foregoing motion was adopted by the Board of Supervisors of the City and County of San Francisco.

MARGARET G. MAGUIRE, Acting Clerk