



LEGISLATIVE REQUEST MEMORANDUM

Request new legislation, or request staff resources be allocated to issues not included in current budget, City Work Program, or department work plans.

Title: Busking in Parks, Rights-of-Way, and Commercial Areas

Date: 6/1/2021

Requesting Councilmember: Toby Nixon

Department(s) Assigned: PCS

REQUEST SUMMARY

A clear, concise description of the issue(s) to be addressed, and why the City should be involved.

Recently there have been several complaints about buskers in parks. Complaints have come from park users and buskers alike. Park users have complained about the noise disturbing them while visiting the park, while buskers have complained the lack of equity in current code as it relates to sound amplification. This has led to conflicts between buskers about who has the right to play music in a given space, resulting in calls to PD and Parks and Community Services.

Existing codes/laws would need to be evaluated/updated to address these concerns and subsequent processes/procedures would need to be developed to manage any potential changes. [KMC 11.80.90](#), does not allow anyone to sell, solicit, or peddle in parks without a written permit from the Director and also restricts the use of any loudspeaker or sound amplification devices in any park without prior permission. [KMC 11.84a.070](#) states sound from portable audio equipment operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator to be considered a public disturbance.

Additional complaints have been received about busking in commercial areas/rights-of-way (ROW) like Park Lane. These areas would fall under [KMC 11.84a.070](#), but the language in the code needs to be evaluated to ensure it covers busking activities in public areas.

There is no formal process to obtain a permit to allow this activity in parks or in the ROW. The following proposal addresses what it would take to develop and implement a formal process to permit busking activities.

BENEFITS

Preliminary potential benefits of the proposal.

Developing and implementing a formal process to permit busking activities could have several benefits including, but not limited to the following:

- Defined structure to allow busking
 - Could include scheduling process to avoid conflict
 - Allowable times could be promoted to inform park users when buskers may be present
 - Could define locations that busking would be allowed
- Updated KMC could make enforcement easier
- Creates more opportunity for busking (if amplification is allowed)
- Reduce conflict by more clearly defining what is/is not allowed
- Having a fee for the permit would generate revenue

IMPACTS

Preliminary potential impacts of the proposal.

Development of a formal process could be seen as overbearing to buskers. If fees are charged, this could "price-out" some people from being able to legally busk in the city. Additionally, some

residents, businesses and visitors dislike when people play music in parks or other public areas and would prefer this not be an allowable activity anywhere. Updating codes to permit busking and allow amplification will likely result in much more busking activities. Amplification/no amplification is easier for Parks and Police staff to enforce. Permitting amplification introduces subjectivity of “audible from 50 feet away” by city staff and park/public space users. Ongoing permitting/scheduling/enforcement would take some additional staff time.

COUNCIL VISION AND GOALS

Check all that apply.

X	Inclusive and Equitable Community		Attainable Housing
X	Vibrant Neighborhoods		Financial Stability
X	Community Safety		Sustainable Environment
	Supportive Human Services	X	Thriving Economy
	Balanced Transportation		Dependable Infrastructure
X	Abundant Parks, Open Spaces, and Recreational Services		

EQUITY

Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.

Current codes are enforced on a complaint basis which can impact equity depending on who complains and why. Current codes do not allow any amplification in parks. Some instruments used by buskers, such as keyboards, require amplification. This results in an inequity depending on which instrument a given busker plays. Depending on the final recommendation, there could be fees associated with a formalized policy. Charging buskers for a permit could limit this activity to those who can afford the permit fees. If permitted locations are limited, there could be perceived inequity if some locations are more “desirable” to busk at then others.

STAKEHOLDERS / OUTREACH

Preliminary potential stakeholders impacted and outreach to be considered.

- Public Outreach Campaign to determine level of support for busking
 - Park Board
 - Kirkland Alliance of Neighborhoods (KAN)
 - Neighborhood Associations
 - Commercial Area business owners
 - Tourism Development Committee
 - Social Media, Online Survey
- Several city departments would be considered stakeholders
 - Police
 - Enforcement
 - Parks and Community Services
 - Development and administration of permit process
 - Identify locations where busking would be allowed
 - Research neighboring cities
 - Current codes
 - Is permit or business license required of buskers?
 - Is amplification allowed?
 - Scheduling/location restrictions
 - Finance
 - Evaluate business license and/or permit requirements
 - Public Works (ROW)
 - Busking on city streets/ROW not in a park
 - City Manager’s Office
 - Commercial areas such as Park Lane – discuss impacts/concerns

RESOURCES AND BUDGET

Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.

It will take PCS staff approximately 140-200 hours to conduct research of neighboring cities, draft proposed policy/procedures, and to gather feedback from other city departments. It will take 1-2 months' time to complete the public outreach recommended.

Based on other projects/current workload, this could not be started until July/August 2021.

OPTIONS

Potential options or alternatives that could be evaluated.

Status quo – no change, no impact on operations

- This would require the least staff time, but does not address current conflicts
- Technically, busking would remain a violation of the KMC since the current code disallows soliciting or peddling in parks

Update [KMC 11.80.90](#) to allow amplification as long as it remains under levels defined in [KMC 11.84a.070](#)

- Technically, busking would remain a violation of the KMC if the only change is to allow amplification since the current code disallows soliciting or peddling in parks

Disallow busking in parks

- Add the word "busk" to [KMC.80.090](#) to read, "It is unlawful to sell, solicit, **busk** or peddle in any park without first obtaining a written permit from the director."

ADDITIONAL CONSIDERATIONS

Check all that apply.

X	Legal analysis required
X	Fiscal analysis required
X	Legislative change required
	State or federal change required
X	Other (please explain):

Various sections of the KMC would need to be modified/updated if changes in status quo are desired.

[KMC 7.02](#)

[KMC 11.80.90](#)

[KMC 11.84a.070](#)

[KZC 115.95](#)

APPROVALS	INITIAL	DATE
Finance Department	MO	6/10/21
Legal Department	KR	6/10/21
Department Director	LZ	6/10/21
Submit to City Manager		

▪ Department Director responsible for acquiring Finance and Legal approval before submitting to City Manager.