

ORDINANCE NO. 3004

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 5 OF THE SALISBURY CITY CODE, CREATING A NEW CHAPTER ENTITLED “5.45 - LIVE ARTS IN PUBLIC SPACES.”

WHEREAS, the ongoing application, administration, and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation, and amendment to comply with present community standards and values and promote public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Title 5 of the Salisbury City Code pursuant to the authority granted in § SC 2-15 of the Salisbury City Charter;

WHEREAS, the City of Salisbury recognizes street performance, also known as “busking,” as a form of artistic and cultural expression protected under the First Amendment of the United States Constitution and Article 40 of the Maryland Declaration of Rights;

WHEREAS, the City affirms that public spaces are traditional forums for free expression and welcomes street performers as contributors to the vibrancy, creativity, and civic life of Salisbury;

WHEREAS, the Mayor and Council find that the health, safety, and general welfare of the citizens of the City will be furthered by amending Title 5 of the Salisbury City Code to make these changes;

WHEREAS, the Mayor and Council have determined that the creation Chapter 5.45 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 5 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. Title 5 of the Salisbury City Code of the Salisbury City Code, is hereby amended by the addition of Chapter 5.45, entitled “Live Arts In Public Spaces” as follows:

5.45 - LIVE ARTS IN PUBLIC SPACES

5.45.010 – Definitions

For the purpose of this chapter, the following words and phrases shall mean:

“Amplification” means the use of electronic devices to increase the volume of sound during a performance.

“Busking” means performing in public spaces, such as sidewalks, parks, and plazas, for tips or donations. This can include music, singing, juggling, dance, magic, mime, or other forms of live entertainment.

“Hazardous Act” means any performance involving fire, knives, fireworks, pyrotechnics, live animals, or other materials or actions deemed dangerous or inappropriate for public safety.

“Passive Solicitation” means the display of an open instrument case, hat, or similar receptacle for tips or donations without verbal or physical solicitation.

“Performance Area” means the specific location within a public space where a street performer conducts their act, ensuring compliance with spacing and accessibility requirements.

“Performer” means any individual or group engaging in busking activities within the City of Salisbury.

“Public Space” means any area owned, maintained, or controlled by the City of Salisbury that is open and accessible to the general public, including sidewalks, parks, plazas, and pedestrian pathways.

“Special Event” means a City-sanctioned festival, parade, or other organized activity that may temporarily alter the provisions of this ordinance under 5.45.120.

“Youth Performer” means any individual 16 years of age or younger engaging in busking activities, who must be accompanied by a parent or legal guardian.

5.45.020 –General Permission

- 1. Performers may freely engage in busking activities in accordance with this chapter and all other applicable laws.**
- 2. The City affirms that street performance is an activity open to all individuals on an equal and non-discriminatory basis.**

5.45.030 – Locations and Performance Areas

- 1. Street performances are permitted on sidewalks, in public parks, plazas, and other public areas within the City of Salisbury, except where otherwise prohibited by law or public safety regulation.**
- 2. Performers shall not block or obstruct building entrances or exits, ADA-accessible ramps, crosswalks, driveways, loading zones, or fire lanes.**
- 3. A minimum of six (6) feet of unobstructed sidewalk space shall be maintained for pedestrian passage at all times.**
- 4. Performers shall position themselves in a manner that does not interfere with vehicular traffic or the normal flow of pedestrians.**
- 5. Street performances are not permitted within the footprint of a City-sanctioned festival, parade, or special event unless specifically authorized under 5.45.120 of this chapter.**
- 6. Performances are encouraged in Downtown Salisbury, Riverwalk, City Park, and other designated cultural corridors where pedestrian activity is high.**

5.45.040 Duration and Rotation of Performances

- 1. A performer may occupy a single location for no more than one hundred twenty (120) consecutive minutes.**
- 2. After completing a performance at one location, the performer shall relocate to another site at least one hundred (100) feet away from the previous location.**
- 3. Performers may return to a previously used location later in the same day, provided they again comply with the time and distance requirements of this section.**

5.45.050 – Spacing Between Performers

1. Performers shall maintain a minimum distance of one hundred (100) feet from any other active performer or performance group.
2. The purpose of this spacing requirement is to ensure clear pedestrian passage, minimize excessive noise overlap, and allow each performer a reasonable opportunity to be heard and seen.
3. Nothing in this section shall prohibit performers from collaborating or performing together by mutual agreement.

5.45.060 Amplification and Noise

1. Performers may use amplification provided that the volume must remain in compliance with the City's general noise ordinance and may not unreasonably disturb nearby businesses, residents, or public activities.
2. The City reserves the right to require immediate volume reduction or cessation of amplified sound if it is determined to disturb the surrounding area.

5.45.070 Tips and Donations

1. Performers may accept voluntary tips or donations from the public.
2. All contributions must be offered freely and without verbal or physical solicitation by the performer.
3. No performer shall obstruct, harass, or interfere with pedestrians or passersby when accepting donations.
4. The display of an open instrument case, hat, or similar receptacle for tips shall be considered passive solicitation and permitted under this section.
5. Small and unobstructive signs may be used in conjunction with an open instrument case, hat, or similar receptacle.
6. The sale of merchandise, recordings, or other goods is prohibited unless otherwise authorized under a separate vendor permit.
7. Performers shall not use electronic payment methods in a way that solicits donations verbally (e.g., QR code displays are acceptable).

5.45.080 Performer Conduct and Safety

1. Performers shall conduct themselves in a manner that is respectful of the public, nearby businesses, and other performers.
2. Performers shall not obstruct or block building entrances, fire lanes, ADA-accessible ramps, crosswalks, or pedestrian passageways.
3. Performers are responsible for keeping their performance area clean and free of debris, including trash, props, and any materials used during the performance.
4. Dangerous, hazardous, or inappropriate acts are prohibited, including but not limited to:
 - a. The use of fire, knives, fireworks, pyrotechnics, or any other hazardous materials or devices;
 - b. The use of live animals in performances;
 - c. The display or performance of explicit, obscene, or sexually suggestive material, including nudity, simulated sexual acts, profane or pornographic imagery, or language inappropriate for general public audiences.

5. Exceptions may be granted only when specifically authorized by the City for approved festivals, parades, or special events.
6. Performers shall comply with all applicable safety and public health regulations while performing.

5.45.090 – Hours of Operation

1. Street performances within the City of Salisbury shall be permitted between 7:00 a.m. and 11:00 p.m. daily.
2. The City may authorize exceptions to these hours for approved festivals, parades, or special events, during which performers may operate outside the standard hours.

5.45.100 – Youth Performers

1. Any performer 16 years of age or younger must be accompanied on-site by a parent or legal guardian.
2. Youth performers are permitted to engage in all performances allowed under this chapter, including those approved for festivals or special events, provided they comply with safety and conduct requirements.

5.45.110 – Complaints and Enforcement

1. Complaints regarding street performances shall be directed to the Salisbury Police Department.
2. The penalty for any violation of this Chapter shall be as established by the City Council in the City of Salisbury Fine and Penalty Schedule.
3. The Police Department shall provide guidance and education to performers when possible, with the goal of achieving compliance in a fair and transparent manner.
4. The City shall maintain a written log of complaints and enforcement actions for transparency and policy review

5.45.120 Special Events and Festivals

1. The City may authorize temporary exceptions to the provisions of this chapter, including but not limited to hours of operation, amplification limits, and hazardous act restrictions, for approved festivals, parades, or special events.
2. Performers participating under such exceptions must still comply with all applicable conduct, safety, and public health requirements outlined in this chapter.
3. Authorization for exceptions shall be granted in writing by the City and may include additional conditions to ensure public safety and accessibility.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.


Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 26 day of May, 2026 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 8 day of June, 2026.

ATTEST:

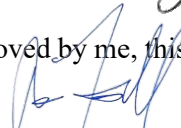


Julie A. English, City Clerk



April R. Jackson, City Council President

Approved by me, this 9th day of June, 2026.



Randolph J. Taylor, Mayor