

REGULATIONS FOR THE DISCIPLINE OF STREET ARTS

Approved by Council Resolution No. 37 of 27/10/2022

Art 1. Subject matter and Definitions

1.1 The present Regulation is aimed to discipline the practice of street arts within the territory of the Municipality of Como.

1.2 For the purposes of this Regulation, street art concerns any form of art that exploits public spaces or publicly accessible spaces and is characterized by independence, spontaneity and the absence of any form of contract, in which remuneration consists of spontaneous and voluntary contributions from the public. Some non-exhaustive examples of such activities are acrobats, jugglers, storytellers, clowns, living statues, mimes, dancers, and musicians.

Art 2. Principles

2.1 The Municipality of Como, in compliance with the ninth and the Thirty-third articles of the Constitution, promotes the development of culture and the freedom of art, granting support to all forms of artistic expression, fostering artistic talents and vocations, as well as the diverse functions performed by artists within the urban context.

Art. 3 Scope of Application

3.1 This Regulation applies to the activities related to street arts, as defined in point 1.2. Animals are not allowed in said performances.

3.2 This Regulation does not apply to the following instances:

- 1- street artists operating in private venues or privately owned areas;
- 2- itinerant performers;
- 3- all activities of public entertainment as defined in the sixty-eighth article of Law on Public Safety (T.U.L.P.S)
- 4- all craftsmanship activities and non-art-related activities;

3.3 The present Regulation does not apply to street trades. An artistic street trade concerns any form of artistic activity, whether carried out individually or collectively, in public spaces or publicly accessible spaces, aimed at producing and selling the artworks resulting from the creative talent of the provider, and/or offering spontaneous artistic-expressive performances in exchange for a specific fee. This second category includes, by way of example: painters, sculptors; portrait artists; photographers; balloon sculptors and makeup artists.

Art. 4 Addressees

4.1 The addressees of this Regulation are street artists who, based on their artistic/professional abilities and skills, engage in street arts or perform street artistic expressions as indicated in the previous Article 1.2.

Art. 5 Available Areas

5.1 Street art activities are allowed only after obtaining a concession for the designated locations identified by the Municipal Council. For each area, the availability is determined within the limits stated by this Regulation.

5.2 The Municipal Council, after having stipulated the available time frames, has the power to identify some city areas where students from conservatories or other choreographic, dramatic, and performing arts schools can perform.

Art. 6 Single Asset Fee

6.1 According to this regulation, no fee is due for the practice of street arts.

Art. 7 Regulation on the occupation of the locations

7.1 Street arts must be performed at the assigned location, using minimal portable equipment and considering:

1. the laws about noise, said activities may be carried out between 10:00 am and 7:00 pm. The Municipal Council may establish different timetables for specific locations;
2. the road traffic and pedestrian circulation;
3. the preservation of the free access to commercial enterprises, publicly-owned and privately-owned premises;
4. the preservation of cleanliness and visual appeal of the area and the location;
5. the preservation of the facilities and the furnishings in the area

7.2 The activities of the previous paragraph are performed:

1. without using advertising material, such as posters, structures, or other means for marketing purposes, except for the one aimed to showcase the name of the artist or the group, the performance and/or the exhibited works;
- 2 without engaging in any activity related to street vending, except for self-promotion in compliance with the current regulations;
3. without uttering obscenities;
4. by exercising caution and expertise;
5. preserving the cleanliness of the location;
6. Under the total responsibility of the artists for damages caused to themselves, to property or persons, including those caused to public property;
7. Without permanent occupation of the assigned space through stable structures, but rather with a temporary setup for the artist's purpose;
8. Without employing animals.

7.3 The performance or the activity must not disrupt the public tranquility and, except for the locations identified by the Municipal Council, cannot make use of microphones, amplification systems, or loudspeakers. Microphones, amplification systems, and loudspeakers, if authorized, must be battery-powered without the use of generators.

7.4 The space assigned cannot be subleased, as the concession is not transferable to third parties. Said performance for which the space has been given must be carried out directly by the applicant or by the individuals declared as members of the artistic group in the application.

7.5 The administration shall be exempt from any liability for damages to third parties resulting from the execution of artistic performances on the street, particularly with regard to any accidents, damages, or injuries caused by the artists to themselves, to property or individuals, and in cases where the damages are the consequence of the violation of the provisions of this Regulation.

7.6 The assembly of structures intended for audience accommodation, the placement of chairs or benches, coverings, platforms, or similar items is prohibited.

Art 8. Regulation of the allocation of the locations

8.1 The Municipal Administration is always entitled to the revocation of the concession.

8.2 The duration of the allocation for each artist to perform the activities described in this Regulation may vary, depending on the request, from a minimum of 1 to a maximum of 4 consecutive days, changing the location every hour. These activities may be carried out in the same place for a period not exceeding one consecutive hour and no more than 4 times in a month at the same location.

8.3 Engaging in both an expressive activity and a street artistic profession simultaneously is prohibited. However, it is lawful to partake in various expressive street art activities within the designated spaces during the same performance, provided that this is declared at the time of booking.

8.4 The spaces and times of performance must be reserved by the applicant, providing the required personal information for him/her and any other members of the artistic group. At the time of the initial reservation each calendar year, the applicant must also specify in the Declaration of Artistic Activity the type and methods of execution of the performance, confirming, if required, possession of the SIAE subscription license for street artists, or the possession of another equivalent license, indicating any temporarily used structures. Multiple activities are allowed for the same artist.

8.5 In the event of the abusive exercise of street arts, carried out in violation of the provisions of this Regulation, if two violations of this Regulation are contested within a year, access to the authorization procedure shall be prohibited for one year from the date of the last contested violation.

8.6 In the event of the absence of the street artist in the allocated locations and time slots, the authorities responsible for monitoring shall make a note of this instance. If the absence occurs twice within a year without any justification from the artist to the administration, the artist shall be prohibited from making new reservations for a period of one year from the contestation of the absence.

8.7 In accordance with the requests of the artists, the Municipality allocates specific areas and designated time slots for street performances following regular bookings by the artists or groups. This allocation takes into consideration the available spaces/locations, their environmental features, the unoccupied time slots, and the nature of the proposed performances.

8.8 Each artist, whether a direct applicant or a member of a group, may only make the next reservation after the allocation period has ended, once the initial reservation is confirmed. Reservations are possible for a period of 60 days following the request.

8.9 The practice of street artistic activities does not entail specific professional requirements or restrictions about the employment status of those engaged in it; the correct completion of the Artistic Activity Declaration suffices for the allocation of the space.

8.10 The request for the permit must be submitted to the Public Relations Office, either in person or by email or any other digital tool provided by the Administration.

Art. 9 Verifications

9.1 The control of the compliance to this Regulation is exercised by the Local Police and other bodies responsible for this purpose.

Art. 10 Sanctions

10.1 Violations of the provisions of this Regulation, when not constituting a crime, are punished with the administrative sanction referred to in Article 7 bis of Legislative Decree 18 August 2000, n. 267 and subsequent amendments and additions, as well as Article 13 of Law 24 November 1981, n. 689 in case administrative seizure of things that can be subject to administrative confiscation is necessary.