

## **Declaration of Steve Kilcrease**

I, Steve Kilcrease, do hereby declare:

1. I am 23 years old and I have lived in Grand Junction since I was 13 years old. My family lives in Grand Junction and I have a lot of friends here.
2. I am a musician and, for the last several years, I have regularly busked in Grand Junction. I make most of the money I live on from donations I receive for busking.
3. I play my music on public property, generally setting up around the 400-500 blocks of Main Street. I make sure that there is plenty of room on the sidewalk to walk by me while I play.
4. When I busk, I play a variety of instruments, but I usually bring my guitar and/or banjo and place the guitar case open in front of me. The open case is my invitation to the public to donate money. I bring in anywhere from \$50-\$200 per day in donations. I also have CDs of my music that I will often give people when they make a particularly generous donation.
5. People really seem to enjoy hearing my music. I have never had any complaints while busking in Grand Junction. I am not charging people for listening to my music, I'm just trying to promote my music any way that I can. If people want to give me donations, then that really helps me out and shows me that they enjoy the music. I have received donations from elderly people who appear to be over the age of 70 years old. I would never take donations from someone who appeared as if they didn't understand what they were doing. I have spoken with many of the elderly people who have given me money and they all seemed genuinely appreciative of my music.

6. I have busked at all different times of the day, including breakfast, lunch and dinner time. It really depends on the day of the week and the weather outside. However, I usually receive the most donations when I busk for the nighttime bar crowd on Main Street. I often busk outside of the local bars so that I am playing to the crowds of people who have to come outside to smoke and to those people that are leaving the bars. Those patrons are very generous.

7. One location that I play in front of on Main Street is Quincy's Bar. I understand that there is an ATM located inside of Quincy's Bar and, therefore, the ordinance prohibits me from busking there at any time because I would be within 100 feet of the ATM. I don't understand how my playing music outside of the bar has any impact whatsoever on patrons using the ATM inside the bar.

8. I am very concerned about the anti-panhandling ordinance because "panhandling" is prohibited 30 minutes after sunset, and based on my understanding of the ordinance, my busking falls under the definition of panhandling. Not being permitted to busk after sunset is a big problem because it will cause me to forgo busking during a very lucrative time. Without being able to busk after dark, I won't be able to earn enough money to stay in Grand Junction. I just don't make enough donations during the day to make up for not busking at night.

9. The ordinance gives police officers a lot of discretion in who they are going to enforce it against. Just the possibility that the ordinance will be enforced against me for busking will deter me from returning to busking in Grand Junction. I would not want to violate the law in order to play my music. Moreover, a ticket for violating the ordinance could easily cost me

more than I would be able to make while busking. If I can't busk, then I won't be able to earn any money to pay the ticket. It is just not worth the risk.

10. I believe that I have a right to play my music in Grand Junction and give people an opportunity to give me donations in return. I never hassle anyone and have never been cited by the police for playing my music. If I am unable to continue to busk in Grand Junction, I may have to move to another town, and that is not something that I want to do.

11. I would like to continue to play my music on Main Street in Grand Junction, and I believe I have a constitutional right to share my music with others and to ask for donations. Because of the anti-panhandling ordinance, I must now choose between either violating the law or giving up playing my music on the downtown sidewalk. I should not have to risk breaking the law in order to exercise a constitutional right.

I declare under penalty of perjury that the foregoing is true and correct.

3-17-14

Date



Steve Kilcrease