

Administrative Rules: 18-901 Title: Artists and Street Performer Permit

Ordered: Attilio Duran Effective: 3/21/08

AUTHORITY:

Article XV Section 18-901 thru 18-910 of the Miami Beach City Code.

POLICY:

These Administrative Rules establish the application procedure for an artist vendor/street performer permit, and the rules of conduct for Artist vendors and Street Performers permitted under this section of the Miami Beach City Code.

PROCEDURE:

- A. Application Procedure – Any applicant that fails to follow Article XV, Section 18 of the Miami Beach City Code and the procedure as listed below shall be disqualified from entering the lottery.
1. An application for a permit does not guarantee the issuance of a permit. Permits shall be allocated through a lottery process, as established in Section 18 of the City Code, and as further provided in these administrative rules.
 2. Only one (1) application for a permit may be submitted in one quarter by an artist vendor or a street performer.
 3. A permit issued to an applicant is non-transferable. Only the person issued the permit can use the permit.
 4. Application packages can be acquired on the City's web site, in the Finance Department at on the 3rd floor of City Hall, or at the Answer Center on the 1st floor of City Hall.
 5. Application packages consist of:
 - A. Application
 - B. Copy of Section 18, Article XV of the Miami Beach City Code
 - C. Copy of Administrative Rules and Guidelines for the artist vendors/street performers permitted under Miami Beach City Code.
 6. Only applications submitted on city forms will be accepted.
 7. The applicant's signature on the application must be notarized.
 8. Applicants must submit a new, timely application for each quarter for which they wish to apply for a permit.
 9. Applications must include:
 - A. \$15.00 non-refundable application fee, paid when the application is submitted.
 - B. A copy of applicant's driver's license or other form of identification as may be deemed acceptable by the City.
 - C. For artist vendors: Samples of and pictures of articles to be vended and workshop or studio
 - D. For artist vendors: A copy of the current Sales and Use Tax Certificate
 - E. A copy of Fictitious Name Registration (if applicable)
 10. All applications must be submitted to the cashier at city hall on the first floor. A receipt will be given for the application fee.

11. Applications received after the advertised due date for application submission for a specific quarter, shall not be eligible for the lottery for that quarter.
12. Appeals shall be handled in accordance with Article XV. Section 18 of the City Code.
13. For artist vendor applicants, only those types of items listed on the application and permit may be sold.

B. Lottery

1. Lottery notification for each quarter will be posted on the City's web site at www.miamibeachfl.gov, city bulletin boards, and/or other publications. One (1) lottery will be held to assign all artist vendor and street performance artist permits in the City.
2. Lottery drawings will take place on the 1st floor of City hall at 9 am. The lottery drawings are open to the public. Applicants do not have to attend the lottery drawing to be selected to receive a permit. The winning applicants will be notified by either phone or e-mail the day of the drawing. In addition to the selection of applicants for permits for the available zones, the City shall select, via a lottery, alternate applicants. This shall be called the "Back-Up" List.
3. Applications selected through the lottery for a permit shall be assigned a zone, as follows:
 - i. Zone locations will be determined prior to the permit period. The Zone location list shall be available for review at the Occupational License Office ten 10 business days prior to the permit period.
 - ii. The zones shall be assigned randomly.
 - iii. For Lincoln Road: a total of twelve (12) Artist Vending and Street performance artist zones shall be available for allocation of a permit each quarter; six (6) of the zones shall be designated for the category of artist vendors and six (6) of the zones shall be designated for the category of street performance artist. For Ocean Drive: a total of six (6) Artist Vending and Street performance artist zones shall be available for allocation of a permit each quarter; three (3) of the zones shall be designated for the category of artist vendors and three (3) of the zones shall be designated for the category of street performance artists.
 - iv. If the number of permit applications received by the occupational license office is less than the number of available zones for either the artist vendor or the street performance artist category, the occupational license office shall make available the zone to permit applicants from the other category, but at no time shall the total number of zones permitted exceed twelve (12) for Lincoln Road or six (6) for Ocean Drive.
 - v. Only one permit shall be assigned to each zone using a lottery. If the number of applications for permits received for the available zones for either artist vendor or street performers is twice the number of available zones for either artist vendor or street performance, then the lottery shall be held as follows to assign one zone to two permit holders:
 1. permit for artist vending or street performance for Thursday, Friday and Saturday ("Weekend Permit")
 2. permit for artist vending or street performance for Sunday, Monday, Tuesday and Wednesday ("Weekday Permit")
4. Zones are not transferable by the permit holder; only the permit holder may engage in artist vending or street performance from the assigned zone.
5. If a zone becomes available during a lottery period with more than 45 days remaining in the quarter, then the City may assign the zones to applicants on the Back-Up List, in the order they were drawn in the lottery or, in the event insufficient applicants remain on the Back-Up List, the City may hold a special lottery for those remaining applicants that were not selected in the initial lottery.

6. Abandonment of Zone: Any permit holder that is deemed to have abandoned his/her zone within the first thirty (30) days of the start of the permit quarter shall be subject to revocation of their permit.
 - i. Abandonment shall be considered the use of less than sixty-five (65) percent of all available use days for the permit zone; or failure to use the zone for one consecutive use period. A use period shall be defined as follows:
 1. For permit holders with Thursday through Saturday permits, 3 consecutive use days.
 2. For permit holders with Sunday through Wednesday permits, 4 consecutive use days.
 3. For permit holders with seven-day permits (Sun – Sat), 5 consecutive use days.
 - ii. Any permit holder who has their permit revoked may appeal the revocation pursuant to Section 18-909 of the City Code.
 - iii. Any permit holder who has their permit revoked will be ineligible to apply for a permit for the two (2) subsequent quarters.
 - iv. Any permit holder may voluntarily surrender their permit within the first thirty days of the start of the quarter. A voluntary surrender within 30 days of the start of the quarter will not affect the permit holder's ability to apply for a permit in the next, subsequent quarter.

C. Rules of Conduct - These rules shall apply to all active permit holders and may be amended from time to time at the discretion of the City Manager or his designee. Failure to comply with any rule as listed below is a violation of the City Code and shall result in the issuance of a notice of violation and/or any other remedy provided by law.

1. Street performances and artist vending shall only be conducted in the specific zone listed on the permit.
2. Street performances and artist vending shall only be conducted during the hours established in Article XV, Section 18 of the City Code.
3. Throughout the period of time a permittee is located on public property engaged in Street Performances or Artist Vending under this article, the permittee shall maintain the zone free of trash and debris, including within a radius of 15 feet of the permitted area, and deposit trash and debris in proper receptacles.
4. Street performance and artist vending permits shall be worn by the permittee at all times. Permittees must have in their possession, while engaged in performances or vending, photo identification cards in their name.
5. No street performer, street performance or artist vendor may create noise that violates the City noise ordinance.
6. A street performer or artist vendor may not interfere with the passage of the public through a public area. If a street performer or artist vendor attracts a crowd sufficient to obstruct the public way, a police officer or code officer may disperse the crowd that is creating the obstruction. The police officer or code officer may ask the street performer or artist vendor to temporarily suspend a street performance or artist vending activity or leave the location when that action is necessary to protect the public safety or public order.
7. No street performer or artist vendor may include obscenity in a street performance or artist vending activity.

8. No street performer or artist vendor shall engage in physical or verbal harassment or coercion.
9. Permittees may have only one (1) table, but that table may not exceed 50% of the total square footage allotted for street performance artists or street vendors, as per Article XV, Section 18 of the City Code.
10. Artist vendor permittees shall neatly display all art on the table. No art shall be displayed in any other area. Any boxes or additional art shall be stored wholly underneath the table, which must be fully skirted to public right-of-way so that the boxes and additional art will not be visible. No art available for sale or on display may be laid on the floor, ground, sidewalk, ground level or raised landscape area, step, or other fixed public improvement.
11. Push carts, mobile display racks and stands are not permitted.
12. No lounge chairs may be used. No more than two (2) chairs shall be permitted, but the two chairs shall not be placed in a manner that exceeds the total square footage allotted for the artist vending and street performance.
13. The permittee shall be limited to one sign which shall be no greater than 8.5 inches by 11 inches. Said sign shall be located on or attached to the table. The permittee's name shall be legibly displayed on such sign, and such sign shall be approved by design review.
14. No street performer, artist vendor, or table shall be permitted to block any public right-of-way or entrances to buildings or other place of public accommodation.
15. Sunshades and tents are prohibited. Permittees may have one (1) traditional sidewalk cafe type umbrella of no greater size than 6 feet by 6 feet square or 6 feet in diameter, with a maximum height of no greater than 8 feet at the center, or a minimum height of less than 6 feet and 8 inches at the lowest edge, and supported by a single pole. The umbrella shall be easily portable when closed and made of non-shiny woven fabric of solid dark blue, dark green, or dark red color only.
16. No street performer or artist vendor shall interfere with a motorist, either regarding the passage of a vehicle or the sight of its driver.
17. No street performer shall use an animal as part of his/her act while on public property.
18. No permittee shall keep any animal in the permit area except for service animals.
19. No permittee shall leave any table unattended.
20. No permittee shall allow the table or any item relating to the permitted artist vending or street performance activity to lean against or hang from any building, structure, tree or other plant.
21. The table and all art shall be removed from city property daily, and the permittee shall clean the permit area and deposit trash in proper receptacles.
22. Street performers with a valid permit cannot place amplified sound equipment on Ocean Drive facing west.
23. Street performer permittees may not place any object on the sidewalk, floor, ground, raised landscape area, step or other fixed public improvement that can pose a tripping hazard.