

Standard Operating Procedures
May 22, 2023 General Membership Meeting

KEY WEST CULTURAL PRESERVATION SOCIETY – Mission Statement

- 1) Preserve the spirit of the Mallory Square Sunset celebration, its history, tradition, and reality.
- 2) Promote art as a cottage industry, by educating government officials and the public regarding the importance of art in the local economy.
- 3) Stimulate greater governmental and public awareness and appreciation of the importance of artistic and cultural activities to the people of Monroe County.
- 4) Create documentation of Monroe County artistic and cultural activities for the education of the community.
- 5) Encourage the use of public land for artistic and cultural purposes which would benefit the community, by enriching the cultural experience of the citizens.
- 6) Support and implement the preservation and growth of the county's artistic and cultural activities.
- 7) Secure a permanent location and funding for a Cultural Center which will serve as a training center, workplace, and exhibition site for local artists.
- 8) Encourage the formation of schools and training facilities for the arts in Key West.
- 9) Provide funds for the legal defense of artists who are arrested in the course of their profession provided the action was not illegal.
- 10) Participate in locally organized cultural events.
- 11) Organize and sponsor such activities as exhibitions and lectures.
- 12) Encourage and implement opportunities for Monroe County residents to participate in artistic and cultural activities.

All Participants/ Responsibilities/Agreement:

- A)** Participation Committee is the Board of Appeals for the Pier Manager decision regarding merchandise sold, and the Board of Directors (BOD) is the Appeals for decisions made by the Participation Committee. All participants have the right to Appeal any decision and the BOD is the final decision. The Performers Committee is the Board of Appeals for the Pier Manager decision regarding performances, and the BOD is the Appeals for the Performer's Committee, and the BOD is the final decision.
- B)** All participants that have not been at the event for more than two years and who have not maintained their membership continuously in their absence, will be stricken from the roster (unless they are a grandfathered member) they will have to re-jury their product and start as newcomer.
- C)** All participants are to sign a Key West Cultural Preservation Society release form on the first day of work and must provide proof of liability insurance in a minimum amount of \$1,000,000 naming the Key West Cultural Preservation Society (KWPCS) and the City of Key West as additional insureds. Participants who are required to collect sales tax must provide a copy of a current Florida Tax Certificate.
- D)** All participants shall participate in their lottery at the time posted at the kiosk for their category. Participants may draw keys for other participants as long as payment is made. There are no refunds for those who don't show up.
- E)** All Lotteries are seniority based as described herein.
- F)** All participants that wish to be filmed by a professional crew must notify the Pier Manager of the date in advance, sign a release form and the film crew must provide a Certificate of Insurance naming KWPCS and the City of Key West as additional insured.
- G)** All committee members are to be members in good standing.
- H)** To ensure fairness, it may be necessary from time to time to limit the number of participants in any category as determined by the Participation Committee & Performers Committees
- I)** No participant shall interfere with the selling of or damage the property of another participant.

- J) No abusive or discourteous or drunken behavior to the Pier Manager, visitors or other participants will be tolerated. Additionally, bullying will not be tolerated to the Pier Manager, visitors, or other participants. Bullying is defined as deliberate bodily harm to other people and damage to their product or set up; threatening, intimidating, coercing, or interfering with fellow participants or the Pier Manager; unwelcome comments of a sexual nature. If you are suspended for such behavior, a trespass warning will be issued and enforced until you appear and appeal at a BOD meeting.
- K) Artists/Craftspeople must be on site to sell their work; no agents, employees or dealers will be allowed. One helper is allowed but has no status as a participant. The helper may not work unless the juried party is present.
- L) All participants will be onsite no later than 30 minutes after the last lottery category is called to clearly define the beginning of the event and minimize interruption of the event.
- M) Participants may call the Pier Manager requesting a space, but their space will be assigned by the Pier Manager AFTER lottery is completed for their category.
- N) All electrical cords and plugs must be rated for outdoor use. No electrical cord will be laid across walkways unless they are safely secured by a cord cover or taped securely to the inside corner of a stair.
- O) Misrepresentation of products or making oral or written misleading statements regarding products or services will not be tolerated. Violations of this shall be grounds for suspension or removal by the Board of Directors. Honest signage is required. There shall be no signage offering wholesale.
- P) No participant may sell a product that the BOD determines is a perceived duplication of an existing product being sold by another participant.
- Q) No participant shall occupy more than one space.
- R) No partnerships are allowed in more than one business at the same time.
- S) The use of gas generators is prohibited.
- T) Any participant that was banned cannot participate in any KWPCS activities.
- U) For the purpose of these SOPs, performers are defined as buskers who work only for donations and all other participants are defined as anyone who charges a set fee or price.
- V) All participants are required to become members of the Key West Cultural Preservation Society.
- W) When the wind is over 15 mph as measured by the KWPCS owned device (“anemometer”), normal set up rules may be suspended in a manner as to allow ALL participants to move to less windy spots away from the pier and also allow performers to work past sunset in the plaza. The wind set up configuration will be directed by the policy of the board and at the discretion of the pier manager.
- X) Failure of the Board of Directors or Pier Manager to enforce any rule outlined in the Standard Operating Procedures or any rights with respect thereto shall in no way be considered a waiver of such provisions or rights or in any way affect the validity of the Standard Operating Procedures. A failure to enforce may waive future enforcement.

City Regulations: CPS and all its participants agree to conform to all Regulations of the City of Key West including but not limited to Article III, “Discrimination in General” of the City of Key West code of ordinance as it may be amended from time to time. A participant found to be in violation of the City regulations may be subject to expulsion by the Board of Directors.

These SOPs are binding and are to be followed by all of the participants.

Section 1 -Pier Manager: The pier manager position is a paid position, hired by the BOD and serves at the direction of and under the discretion of the BOD. The position requires knowledge of the SOPs and traditions and the “Spirt of Sunset”.

Duties and responsibilities/Procedures:

- To collect release forms and Florida tax certificates every January from existing participants and newcomers, and an SOP form stating that all participants will comply with the SOPs
- To ensure that all proof of insurance is updated.
- To reiterate and judicate booth size to new participants
- To implement all blind draw lotteries on time for participants' space as detailed below:

There are 4 categories for the Artist lottery:

A) Regular Participant: A person who has participated in the event for 150 days, who has paid their membership - (optional) or is grandfathered - (a grandfather is someone who has been approved by the BOD, because they have been participating for 5 years or more and who has paid their membership consecutively in the event of a hiatus, they can keep their status). The numbers in bucket are from 05 – 50.

B) Snowbird: A participant who has worked for no less than 60 days and no more than 150 days. The numbers in buckets are from 51 – 80.

C) Newcomer: A participant who is new to the event or has worked up to 59 days. The numbers in the bucket are from 81 – 105.

D) VIP Any participant including newcomer who has worked at least 15 days during the previous calendar month or worked at least 15 days during the current month can draw from this bucket.

There are 2 categories for the Performer lottery:

- 1) Newcomer: a person who has worked less than 90 days
- 2) Regular: 90 days or more worked

Status: there is no loss of status when changing categories between food vendor, artist, entertainer, or Twilight. However, you cannot work simultaneously in two or more categories.

Twilight: Participants defined as “Twilight” participate in the artist lottery and may select either an artist space or a small act spot (if available). If a Twilight participant operates as both artist & twilight, they are subject to all restrictions from both categories.

- To ensure setting up for Sunset Celebration is no more than 2 hours and 15 minutes before the published time the sun sets and in accordance with the Use Agreement between the City of Key West and KWPCS.
- To always attempt to adjudicate with fairness and equity without discrimination
- To instruct participants to remove or alter items or cease activity, if it is deemed harmful to health, safety, or welfare of the public such as electrical cords, items on the ground, or anything that can create a lawsuit including using fire of any kind.
- To contact Event Administrator, BOD or police, if necessary, in cases of emergency. Use the two-way radios available by giving 2 to board members at each end of the pier and the Pier manager always has in possession. Always make sure they are being charged for the next day.
- To put the 2 life rings on the fence in case of emergency.
- To make sure the bollards are secure at the entrance by Waterfront Playhouse during event.

- To maintain logbook at all times. Documenting anything that occurs during the event. Including anything that is PC related.
- To attend all BOD meetings and speak of all security issues or problems that have occurred.
- To ensure all SOPs are followed and enforced.
- To “sweep” at the beginning of the event, for any vagrants before lottery begins.
- To ensure that no motorized vehicles are permitted on the plaza or pier except when food participants drop off or pick up their carts and only when safe to do so.

The Pier Manager has the right to deny participation by suspension and trespass to anyone not in compliance with the SOPs. All decisions made by the Pier Manager are binding until appealed to the BOD. For the first offense, the pier manager will give a warning and document it. For the second offense, the participant will be given a night off. For the third offense the participant will not be allowed to work until they appear and appeal at the next BOD meeting.

Section 2 - Participation Committee – Purpose

- 1) To jury in artist who wish to be a part of Sunset Celebration Event by: ensuring authenticity of craftsmanship and artwork, promote art as a cottage industry, Encourage artistic growth and to answer all questions pertaining to procedure, and to suggest if asked, what an applicant can do to enhance their product.

Procedure/Process:

- 1) All final jurying will be done on the first and third Monday of every month, currently at Bayview Park, starting at 10am, near the tennis court or baseball field.
- 2) The Participation Committee (which consists of 4-7 members of CPS (of which a quorum of 3 is necessary for any decision) will watch you make your product or part of your process to determine if it is indeed the applicant's product or part of their product. A video may be submitted if the applicant is out of town and applying as a guest artist.
- 3) No participant may sell a product that is a perceived duplication of an existing product at the event.
- 4) If there are any questions regarding your product the committee can ask you to produce said item before the Participation Committee and the committee can ask to see raw material and receipts/invoices or show the workplace/studio.
- 5) **All** items to be sold shall be juried before being offered for sale. Items must be hand made by the participant or created or changed substantially in nature by the participant. You may apply for additional products to be added for sale once you are accepted or done at the original jurying. No jurying at the event is allowed. All items will be judged by authenticity, originality, creativity and adherence to these SOP’s and not to anyone's standards of quality. Home jurying is available if the equipment is hard to bring to a jury meeting or a video of making product may be submitted.
- 6) There are no agents or dealers allowed to participate. This event is based on the maker of the product selling their product & giving the public the opportunity to meet the artist. Photographers must take their own pictures but can have pictures developed commercially. Twilight participants not defined by Artist or Performer such as (but not limited to) psychics, portrait artists, caricaturists, henna, tarot card readers and palm readers must also jury in and be approved by the Participation Committee. Twilight artists may jury to sell handcrafts in the same way as other participants.
- 7) Reproductions of original artwork may only be offered for sale and displayed in conjunction with the artist’s hand crafted or original work. All reproductions must be juried by the PC. Only reproductions of the artist’s own work is allowed on items that have a function (such as coffee cups, key chains, etc.) and are restricted to 2 different types of items unless those items would be accepted by the PC without the reproduction on them.

And add:

- 8) All tshirts or other wearable items must be either be made by or substantially altered in nature by the participant by the addition of decorative dye, paint or a silkscreen printing by and of the artist's own work.

Partnership: All business partners are to sign the CPS waiver and show what part of the product they make. The business partnership may only include 2 parties. A written agreement between partners shall be filed with CPS stating which partner has rights to which products. They must share the same space. They must have both names on the tax certificate or listed on the state filed business documents. Should a partnership dissolve, a letter to CPS is required and the determination of who will continue to participate will be by who has the most days working at the event.

Local non-profits groups can participate as a group of artists. They are juried in person or by video as one entity. The nonprofit registers for the sales tax certificate or a sales tax exemption and carries the required insurance. All arts and crafts requirements apply. Not all members of the group must be present; different members of the group can set up but at least one artist whose art is displayed at the booth is present. In the case of children's groups, one responsible adult must be present, but doesn't have to be the same adult all the time. 100% of the profits are to be remitted to the nonprofit.

About the Committee/Duties/Responsibilities:

- All committee members are appointed by the BOD, are to be members and in good standing with KWCPs. At the committee's first meeting will elect a chairperson, a Vice chair and a secretary.
 - Members of the Participation Committee (at least 2), with the Pier Manager, will from time to time walk the pier to observe displays and artwork, to ensure the participant is following the SOPs.
 - No products shall be displayed on the ground.
 - To ensure that anyone that hasn't worked in the past year is stricken from the roster, unless they are a member and grandfathered, by keeping their membership paid annually and consecutively.
 - To define what a guest artist is
 - To keep records of all participants that have juried in.
 - The committee is authorized to evaluate and examine all aspects of the operation and development of artistic and cultural concerns of the event, and report to the BOD its findings.
 - To explain that the spots available are 6'X8' and there should be room to walk around display and not infringe on their neighbor's area.
 - To explain that all participants are to purchase liability insurance in a minimum amount of \$1 million and includes Key West Cultural Preservation Society, PO Box 4837, Key West, Florida, 33041 and the City of Key West, 1300 White St, Key West, Florida, 33040 as additional insureds and present to the Pier Manager the first day of work.
 - To explain that a Florida Tax Certificate is needed for our records and to be presented on the first day of work. (Exceptions for tax certificates are, Twilight Category - (Tarot Reader, Psychic, Palm Readers, Astrologers, Portrait Artist and Caricaturists, Hair Braiders, Massage Therapist. A massage therapist must have a current Florida license.
 - To ensure that all upcoming participants know that they are to follow our SOPs, and sign a release form the first day of set up stating they hold KWCPs harmless and will follow our SOPs.

- All PC members are to work for a year at the event to be on this committee. They are required to have knowledge or experience in art/crafts, a Twilight participant should be involved in this committee, all food licensing, agriculture etc. (should be knowledgeable). The committee has the right to reject any handcrafted items being juried in, if it doesn't comply with our SOPs.

- All participants know that if their display is over 4', the display must be set back 3' back in their space as to keep a clear sight line of all artists & vendors.

Section 3 - Food Participants: Procedures and Responsibilities

- A) Product(s) must be created from basic ingredients or substantially embellished; no food pre-processed by a 3rd party, such as a premixed food.
- B) All food participants must go through a 3-step process with the Participation Committee:
 - 1) Acceptance of food product and a rough draft of the food cart, you are allotted a 6x8 space only and it must fit in that space. If your cart has a tow tongue, it must be removable.
 - 2) To include all required licensing from the State of Florida to operate a food or beverage cart
 - 3) Final approval of cart size and design in accordance with the KWPCS SOPs
- C) A helper is allowed to participate when the juried participant is on site.
- D) No franchise food items allowed.
- E) No partnerships are allowed in more than one business at a time.
- F) You must be signed in 15 minutes before the Performers Lottery.
- G) There will be no more than 12 licensed food cart spots available. KWPCS will determine the location of those spots.
- H) No food vendor may exactly replicate another food vendor's product. Food vendors must sell their product(s) at Sunset Celebration 10 days per month, 6 months per year or lose the right to exclude others from selling the same product(s).
- I) Butane and propane are the only acceptable fuels allowed and must have Key West Fire Department approval.
- J) No hot oil is allowed to be used
- K) Fire extinguishers are required for vendors using an open flame.
- L) Each food vendor may claim one space which they may occupy without lottery provided they arrive 15 minutes before the performer's lottery. Participants with seniority, as based on their startup date, get preference on claiming a spot. Participants gone for longer than 6 months lose their spot.
- M) A food vendor may be assigned a space by the pier manager or the BOD due to unusual size, smell, smoke or other unusual activities which could negatively impact their neighbor.

Section 4 - Performers Procedures and Responsibilities:

- 1) All performers are to be vetted by at least 2 of the Performer's Committee members
- 2) All performers, regardless of act size, are to purchase liability insurance in the minimum amount of \$1 million and names Key West Cultural Preservation Society, PO Box 4837, Key West, Florida, 33041 and the City of Key West, 1300 White St, Key West, Florida, 33040 as additional insureds. The insurance must list what actions are covered (unicycle, fire juggling, audience participation, etc.) and be presented to the Pier Manager the first day of work.
- 3) No fire is allowed unless permitted under City of Key West ordinance. If fire is allowed, procedures and safety procedures will be outlined by the Board and the Performer's Committee in conjunction with the Key West Fire Department and must be strictly adhered to.
- 4) Acts performing on the pier are to have their act as close to the curb as possible and their backs to the water, facing the land side.

- 5) All acts must delineate your stage area with either a rope or cones and have the audience toed up to it.
- 6) Regulate your show to a 30-minute time limit or less with a 15-minute break between shows. Show time begins when you call up your crowd and ends at the hat line.
- 7) Refrain from profanity or obscenity in your act.
- 8) Performers Committee members are to be members of and in good standing with KWPCS
- 9) Performers will elect a 4 to 7 person committee with these position to be filled – a Chair, Vice Chair and Secretary of which a quorum of 3 is necessary for any decision. They should meet prior to the BOD meetings, write up a report and attend all BOD meetings. This committee is to be appointed, per nomination, by the BOD after the Annual Membership meeting in December.
- 10) All set up fees are determined by large acts (circle acts) and small acts (walk by).
- 11) Large Acts/Circle Acts may use mics during their performances only under the following conditions and repercussions:
 - There will be no calling of a crowd or banter using the mics
 - Amplification will be at speaking voice level with the preferred (but not mandatory) use of a Bose S1 amplifier.
 - First offense for excessive volume is loss of mics for 1 night, second offense is loss of mics for 3 nights and third offense is removal of all mic privileges.
 - Calling up a crowd with a mic will result in automatic & permanent removal of mic privileges.
- 12) Half of all large acts/circle acts present (rounding up) will agree to work the pier as outlined in the following example:
 - If there are 2 performers, 1 on pier and 1 in plaza
 - 3 performers – 2 on pier, 1 in plaza
 - 4 performers – 2 on pier, 2 in plaza
 - 5 performers - 3 on pier, 2 in plaza
 - 6 performers – 3 on pier, 3 in plaza

And so on.

There will be a max of 3 performers in the plaza unless the pier performance spaces are full. Then the plaza can be used as overflow. More performers can work the pier if they wish to. The above is only an example of a minimum number of performers on the pier each night.

The stage is considered the pier. John Allicot (Dr. Juice) has the first option of the stage provided he is present at lottery. Performers can work in the plaza after the sun sets. Small acts/walk by acts can set up in any designated small act spot.

Definition of act size: A large act/circle act is one that holds a crowd. A small act or walk by is an act that doesn't hold a crowd, such as a balloon twister or guitar player. The act size is determined by the performers committee.

Mustafa Khalliq, as the longest performing musician at Sunset Celebration, will have permanent, grandfather status and be awarded honorary membership with first right of refusal for the dedicated amplified musician spot on the pier provided he contacts the Pier Manager if he is working.

Performers selling a product must be juried in for that product and get a Florida State tax certificate and sold in their performers spot. There is no hawking of products, you can advertise during your hat line. Signs are limited to 2x2 and must be displayed at ground level, but not flat on the ground.