

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Rickelle Williams, Interim City Manager

DATE: July 10, 2024

TITLE: **DISCUSSION REGARDING POSSIBLE MODIFICATIONS TO THE CITY'S ARTIST VENDOR PROGRAM**

### **RECOMMENDATION**

It is recommended that the Public Safety and Neighborhood Quality of Life Committee discuss the item and provide a recommendation to the City Commission, as applicable.

### **BACKGROUND/HISTORY**

At the June 26, 2024 City Commission meeting discussion item (C4 AH) was referred by the Mayor and City Commission to the Public Safety and Neighborhoods Quality of Life Committee (PSNQLC). The item is sponsored by Commissioner David Suarez.

The City has received numerous resident and business complaints regarding the current Artist Vendor Program. Specifically, the complaints involve the nature and quality of the products offered for sale, as well as the placement of the vendors in various parts of the City, such as in the Allison Park and Lummus Park areas.

### **ANALYSIS**

Through Section 18, Article XV of the City Code, the City has established an Artist Vending Program. The program created an artist vendor certificate review process in which the Office of Tourism and Culture examine, observe, and authenticate the artist applicant in the production of the art for which they seek certification.

Upon the successful completion of the certification process, an artist vendor can obtain a Certificate, from the Finance Department Customer Service Center, to sell their handmade art Citywide in areas outside the City's lottery zone.

To address public safety concerns from the proliferation of artist vendors and frequent complaints regarding gridlock on sidewalks and other city right-of-ways in South Beach, the City established a quarterly lottery permitting system for 58 designated artist vendor locations in the heart of South Beach. These 58 codified locations are located on Lincoln Road, Collins Avenue, Ocean Drive, Washington Avenue, and several Beachwalk street-ends; areas where the City experiences the largest footfall of local and tourist traffic. The City currently hosts quarterly lotteries for artist vendors wishing to participate in the program for the permitted locations.

These 58 codified locations are summarized below:

- Lincoln Road: 15 zones
- Collins Avenue: 6 zones
- Ocean Drive

- 9 zones north of 5<sup>th</sup> Street
- 2 zones south of 5<sup>th</sup> Street
- Washington Avenue: 4 zones
- Beachwalk street ends
  - Lincoln Rd.: 6 zones
  - 17<sup>th</sup> Street: 6 zones
  - 18<sup>th</sup> Street: 6 zones
  - 21<sup>st</sup> Street: 2 zones
  - 22<sup>nd</sup> Street: 2 zones

If any of the permitted locations are needed for a special event, municipal repairs, or other city business, the City Manager, or their designee, may temporarily or permanently relocate the artist vendor, or temporarily suspend the vending activity if no alternative is available. Locations for artist vendor permits are verified each quarter by the Code Compliance Department before each lottery.

The current fine structure (Sec. 18-910) for selling goods for which the artist vendor has not been certified or goods that are not made by the artist, or a violation for an artist vendor selling without a permit in a permit-regulated area, are as follows:

1. First offense: \$50.00
2. Second offense in a 12-month period: \$100.00 and certificate revocation for two (2) quarters.
3. Third offense in an 18-month period: \$250.00 and certificate revocation for one (1) year.
4. Fourth offense in a 24-month period: \$500.00 and permanent certificate revocation.

The current Miami Beach program was modeled after the San Francisco and Key West programs. Like Miami Beach, the three (3) cities mentioned below have a proliferation of artist vendors, especially in heavily trafficked tourist areas. The Administration reached out to the following municipalities, with documented artist vendor issues, to see how they are currently managing their programs:

- Key West
- San Francisco
- New York

#### **Key West:**

The City of Key West program does not judge or differentiate between the type or quality of art being sold. However, like the City of Miami Beach, artist vendors must demonstrate they make their art by hand. They too have a proliferation of bead stringers.

Key West does not have a lottery permit program. Artist vendors operate on a first-come, first-serve basis. Artists can set up anywhere on Duval Street, if they are ten feet apart from each

other and obeying regulations regarding the appearance of their tables. Key West requires their vendors to obtain \$300,000.00 in liability insurance for operating on the City's right-of-way.

### **San Francisco:**

San Francisco conducts a weekly lottery for the premier locations, i.e. Downtown, Fisherman's Wharf, and Embarcadero. The Administration does not recommend establishing labor-intensive weekly lotteries for high-demand tourist destinations.

### **New York City:**

New York (NYC) does not require a vendor license/permit for selling artwork, including paintings, photographs, prints, and sculptures. Like Miami Beach, Key West, and San Francisco, NYC has guidelines as to the appearance of tables and proximity between vendors. Citywide pre-designated spaces are obtained on a first-come, first-serve basis. Sales are allowed in their parks, i.e. Central Park.

### **POTENTIAL DISCUSSION ITEMS:**

1. Nature and quality of the products offered for sale.
2. Removal of artist vending from parks.
3. Expansion of lottery zones beyond their current boundaries of Dade Boulevard and 23<sup>rd</sup> Street to the north and Alton Road to the west (west side of Alton Road).
  - a. Create a Mid Beach and North Beach Zone, similar to what is done in South Beach.
4. Discussion regarding the expansion of sales on Beachwalk street ends.
5. Require Artist Vendors to obtain insurance for operating on City right-of-way.

### **FISCAL IMPACT STATEMENT**

NA

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on . See BIE at:  
<https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

## **CONCLUSION**

It is recommended that the Public Safety and Neighborhood Quality of Life Committee discuss the item and provide a recommendation to the City Commission, as applicable.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Finance

### **Sponsor(s)**

Commissioner David Suarez

### **Co-sponsor(s)**

### **Condensed Title**

Discussion Regarding Possible Modifications to the City's Artist Vendor Program