




THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West
From: Ron Ramsingh, Assistant City Attorney 
Date: June 28, 2012/August 6, 2012
RE: Ordinance revision to Sec. 6-4; Street Performers & Art Vendors. Creating a prohibition of art vendors from establishing their wares within 75 feet of an established business selling like goods.

Action statement:

A proposed ordinance revision to Sec. 6-4 to prohibit art vendors on the city right of way from establishing their wares within 75 feet of an established business selling like wares. This revision is sponsored by Mayor Cates.

Background: Chapter 6 was previously amended on second reading on 4/5/2011. During this last amendment, numerous changes were made to the street performer and art vendor ordinance. Since that time, several art vendors have established themselves in very close proximity to established businesses such as art galleries, who sell like wares. Because of the vast difference in overhead, the street vendors are able to sell these like items for far less than what the established businesses sell the same wares for. This proposed amendment does not ban vendors from selling like wares; it merely requires them to maintain a distance from established businesses. During the presentations in the initial street performer ordinance revision hearings in 2011, the Commission will recall that there are exponentially more spaces available to vendors than there are actual license

holders, so it is the opinion of the undersigned that this revision will not create a logistical hardship in a vendor finding a suitable, lawful location to sell his or her wares.

Protecting a city's economic interests, tourism industry and supporting businesses have been found to be legitimate governmental interests within the purview of first amendment regulation. Here, the argument is that because the street artists can sell the same items for far less, and even in some instances, replicated items.

Prior to first reading before the City Commission, the distance requirement was 50 feet. At the first reading an amendment was passed increasing the distance to 75 feet.

Options:

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1. Approve the proposed that would prevent art vendors (B Permit holders) from establishing themselves within 75 feet of an established business storefront selling like goods.
 2. Not to approve the proposed ordinance revision, and continue to allow art vendors to sell their wares in very close proximity to like businesses with established storefronts.
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Reccomendation:

To approve the proposed ordinance revision at second reading.
