



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

December 18, 2018

Board of Directors
Cultural Preservation Society
P.P. Box 4837
Key West, FL 33041


Dear Directors:

Pursuant to the agreement between the Cultural Preservation Society and the City of Key West, Resolution #14-349, you have requested that the city accept changes to the guidelines for operation of the "Sunset Celebration" that are incorporated as "Exhibit E" in the agreement and were amended by a vote of the general membership.

Please be advised that the new Guidelines which you have re-named 2018 Amended SOPS, Cultural Preservation Society, Inc, C.P.S. Standard Operating Procedures that I have initialed and are attached hereto, are acceptable,

Best wishes for your continued success in your efforts to operate this unique Key West tradition.

Regards,


Jim Scholl
City Manager

APPROVED
JK Schall
19 DEC 2018

2018 Amended SOP's
Key West Cultural Preservation Society, Inc.
C.P.S STANDARD OPERATING PROCEDURES (S.O.P's)

I. PARTICIPATION COMMITTEE

A. The purpose of the Participation Committee is to:

1. insure authenticity of craft, art, or event at Sunset (the idea of aesthetic quality is not to be used as a criterion),
2. make the initial decision regarding participation in the nightly Sunset Celebration,
3. promote art as a cottage industry,
4. encourage creative growth,
5. and to maintain a list of participants which will be kept in committee records.

B.

1. The PC Committee shall be composed of seven qualified members from diverse categories.
2. All new PC Committee members are required to have worked at the Pier for one year.
3. All PC Committee members should have a background in art/crafts in order to be able to determine if the art/crafts work being juried meets the criteria of authenticity, originality and creativity.
4. Two members of the same family cannot be on the PC Committee at the same time.
5. PC Committee members shall reject any item being brought before them that does not appear to be hand made by the artist/craftsperson submitting such item(s).
6. A quorum of four is necessary for any decision. The committee shall meet twice monthly. The committee shall also have two qualified people available to jury twilight category.

C. If a dispute arises, the Committee may make a decision on the pier if a quorum is present, however, all jurying shall occur at a regular Participation Committee meeting, and any items in question can remain on the pier until such a decision is reached by the Participation Committee. Individuals in violation must be noticed in writing within 72 hours of violation occurring unless the occurrence is amicably resolved on site.

D. The Committee is selected by the CPS board, with CPS member suggestion as to personnel make-up. The Committee shall elect a chairman at their first regularly scheduled meeting each year following Board of Directors appointment of the Committee.

E. The members of the Committee serve at the pleasure of the CPS board and are to be members of CPS in good standing.

F. The Committee is the Board of Appeals for decisions made by the On-site Manager and the Board of Directors is the Board of Appeals for decisions made by the Committee.

G. PC members will walk the pier from time to time and may ask a participant to remove any items which are in flagrant violation. This can be appealed at the next regularly scheduled PC meeting.

H. All participants will be juried prior to initial setup and thereafter as the situation warrants.

I. No jurying shall be done between PC meetings.

J. Policy is to suspend jurying when current participants have been turned away three evenings during the previous attendance book week. Prospective participants may be warned of this in advance.

K. Items will be judged for authenticity, originality, creativity and adherence to these S.O.P's and not according to anyone's standard of quality.

L. All items of questionable origin or manufacture (this is to be determined by the PC Committee) shall be brought before the Participation Committee which can require crafts persons to do any and all of the following:

1. actually produce said item before the Participation Committee,
2. and/or show raw materials,
3. and/or show work place or studio, and may be required to show their invoices for raw material.

M. All new craft items shall be juried before being offered for sale. Any item which is substantially different from items already sold by crafts person must be juried by Participation Committee prior to being sold on pier. For current participants, a new products application shall be available at the pier. Participants shall fill out application and attach new product which shall be reviewed and voted on at the next regularly scheduled PC meeting. If there are questions, participant shall be asked to attend the meeting. The product is not to be offered for sale prior to PC approval.

N. All participants who have not worked on the pier in the previous twelve(12) months will be stricken from the rolls, unless they are a grandfathered member who has kept his/her membership paid up each year with no gap in membership. If the participant wishes to return to work on the pier they will be treated as a new participant. Participants shall not return to Mallory Square and expect to sell the same items they sold when they left after being gone longer than twelve months as described above. Participants will be juried, pay the jury fee, and be subject to space available in any category.

O. If there is an excessive number of active participants for certain types of art, such as jewelry or photography, the P.C. has the authority to limit the acceptance of new participants to only exceptional work.

SUMMARY:

The committee is authorized to evaluate and examine all aspects of the operation and development of artistic and cultural concerns in the Mallory Area, and report to the CPS Board of Directors its findings and recommendations. The Committee is further vested with all power and authority reasonably necessary for the execution of all responsibilities conferred upon it by these S.O.P.'s.

II. ON-SITE MANAGER

On-site Pier Manager is a paid position, hired by the board of directors, and serves at the direction of and under the discretion of the Board of Directors. The position requires knowledge of the S.O.P's and traditions and "Spirit of Sunset." The On-site Manager's duties and responsibilities will include the following:

1. to collect participants' registrations and releases and Florida State sales tax numbers yearly
2. to adjudicate booth size and location: (8 ft. wide, 6 ft. out and no taller than 4 ft. on the front 3 ft., with the exception of Food Participants height, all other exceptions to be made by the Participation Committee).
3. to implements all blind draw lotteries for space.
4. to assure that booth and performance set-up for the Sunset Festival begins no sooner than 2 hours before sunset each night in accordance with the Lease between the City of Key West and the CPS.
5. to ask participants to remove items if items do not appear to be hand crafted by the participants.
6. to attempt to adjudicate with fairness and equity with no discrimination, in accordance with the written Articles of Incorporation, Bylaws, Guidelines and Lease.
7. to instruct participant to alter or remove item, or cease activity, if it is deemed harmful to health, safety or welfare of the public
8. to contact Mallory Square Coordinator or police if necessary, in cases of emergency. In non-emergency situation, will consult the Participation Committee and/or Board of Directors.
9. to remain on site during the hours of operation.
10. to perform any and other duties that arise from time to time from the Board of Directors.
11. to be responsible for having pier cleaned at the end of each evening.
12. to be responsible for keeping life rings or life jackets available for emergencies.
13. to come to or submit report to the Board of Directors meetings.
14. to post the report or minutes of Participation Committee and Board of Directors meetings and agendas for all meetings at the Kiosk in a timely manner.
15. to give PATA an accurate participant count at the end of each night.

16. to prevent tripping, no electrical cords will be laid across walkways unless they are safely secured. For example: "taped to the inside corner of a star or passed overhead".
17. The On-site Manager reserves the right to deny participation to anyone not in compliance with this S.O.P's, and shall notify Participation Committee and post written notice of violation or lack of compliance in the daily log.
18. No motorized vehicles are allowed on the pier, with exceptions to be made by the Board of Directors on a case by case basis.
19. All participants shall report to the On-site Manager two hours before the estimated time of sunset and participate in the daily Lottery before they set up, with the exception of food participants, who shall be assigned space by the pier manager. Food vendors shall be allowed to set up no sooner than 30 minutes prior to lottery, but shall not sell until two hours before sunset according to the lease with the City of Key West.

III. ARTS AND CRAFTS AND FOOD

A. All participants shall sign CPS Registration and General Release forms and have Florida State sales tax number and a twenty dollar processing fee where applicable.

B. Arts and crafts shall be hand made by the participant or created or changed substantially in nature by participant for display or sale at the Sunset Festival. A potential participant must make his or her product(s) in front of PC and must come to the PC meeting prepared to do this. If this is impossible due to equipment restrictions, a home jurying can be arranged, but PC must see items first at a meeting to determine the need.

C. Our policy is to suspend jurying when current participants have been turned away three evenings during the previous attendance book week. Prospective participants may be warned of this in advance.

D. Artists or craftsmen shall be on site with their work; no agents or dealers will be allowed.

1. An agent is defined as any person who would be present without the artist or food vendor and does not substantially participate in the production of the item being sold.
2. To be recognized as a partnership by CPS, all partners must sign the CPS waiver, jointly, and be juried as one entity. All members of a partnership must jointly make all items and conform to paragraph B. A written agreement between partners shall be filed with CPS stating which partner has rights to which products. They must share the same space and have all names on the sales tax license. The partnership accrues the credit jointly, but is tracked in the attendance book individually, based on who draws and pays for the lottery key nightly. Should a partnership split up, the issue of who gets the seniority will be decided by the seniority accrued by each individual. The partner without seniority has the right to start as a new entity subject to jurying by the PC. If an individual takes on a partner after accruing seniority the

new partnership is considered a new entity and the old partner must give up their seniority and start as a newcomer. Any questions regarding partnership and seniority may be addressed by the Board of Directors.

3. A helper has no status of his own, and can be on site only with the active participant at the discretion of the pier manager. Helpers in Twilight Category (Hair wrappers, Readers, etc.) must be considered partners because they work individually.

E. All bead work shall be hand strung by the participant; no exact copies of imported or commercially catalogued items or items which are already over represented on the pier and in the community.

F. Silk screened items shall be designed, the screens made and items printed by the participant.

G. Reproductions of original artwork must be juried by PC. They must conform to the 1/3 rule and be combined with original artwork on display. Only reproductions of the artist's own two dimensional work is to be allowed. Reproductions placed on items that have a function (such as coffee cups, tshirts, key chains, etc.) is not allowed unless those items would be accepted by PC without the reproduction on them.

H. Photographers must take own pictures but they can be developed commercially. The mattes or frames must be hand made by the participant or must have other hand work such as coloring or etc.

I. One Third ruling: Participants who make complex or time consuming products can make one third of their product in a simpler or less time consuming manner in order to allow greater earnings. These products are subject to PC approval.

J. 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 penalty or suspension as determined by the board. In all cases honest signage is required. There shall be no signage offering wholesale.

K. Any two or more persons jointly engaged in the creation of a single art or craft or food item shall occupy the same allotted space.

L. No participant may sell a product that is a perceived duplication of an existing product on the pier.

IV. FOOD

A. All participants shall sign a registration and release form

B. Food items must be created by the participant from basic ingredients, (for example: fruits, vegetables, unprocessed meats, flour, etc.), or substantially embellished. No food pre-processed by a 3rd party can be served in an un-embellished state but can be used an element in a more creative food item, (for example: hot dogs in a shies-ka-bob, breaded fish in fish tacos, whipped cream on key lime pie)".

C. All food participants shall go through a 3 step process with the PC Committee prior to acceptance by the PC Committee:

1. Acceptance of food product and a rough draft of food cart design. All food carts must fit in the allotted 6' x 8' space provided by CPS.
2. Jury process for approval of all required paperwork, such as State License, Health workers card, etc.
3. Final approval of cart size and design in accordance with CPS Guidelines.

D. All food items must be prepared by the participant. A helper shall be allowed only with the participant on site.

E. No national franchise food items will be allowed

F. No partnerships are allowed in more than one business at the same time

G. Food participants must arrive 15 minutes prior to the artist lottery

H. There will be no more than 10 food vendor spaces. CPS will designate these spots.

I. No food vendor may exactly replicate another food vendors product

J. Butane or propane are the only acceptable fuels allowed

K. The use of hot oil for deep-fry cooking of food items is not allowed.

L. Fire extinguisher are required for vendors using an open flame

M. A food vendor's seniority shall be counted by the vendor's set up start date with the earliest vendor having the most seniority, followed by the next earliest one, then the next, etc.

N. A food vendor may claim occupancy of a food space to be used on a nightly basis and cannot be bumped from the space as long as he or she is present during the food set up time. A food vendor may claim only one space but may choose another vacant food space. In case of a conflict over a non-claimed space, the vendor with the most seniority will prevail. If a vendor does not occupy his claimed space for a period longer than 6 months, the space will open up. A food vendor may be assigned a space by the pier manager or the Board of Directors due to unusual size, smell or smoke, or other unusual activities which could negatively affect his neighbors.

O. There are two sizes of food spaces:

1. Standard spaces (6'x9') with electric outlets
2. Mobile spaces (6'x4') for small mobile carts where electricity is not needed.

P. All food space locations must be approved by the Board of Directors

Q. Approved food items must be present and available for sale for at least 60 days during a year, or the food vendor loses their exclusive right to that food product (for example; a food vendor may alternately sell ice cream or gumbo on a seasonal/weather basis)

V. PERFORMERS

A. All performers shall adhere to the following S.O.P's:

1. Shall sign a registration and release form
2. Participate in the nightly lottery
3. Acts performing on the waterfront are to perform close to the large curb with your back to the water while facing the land side. Acts performing in the plaza can face in any direction.
4. Keep your audience toed up to the dotted black line running the length of the pier (it is recommended that you use a rope to delineate your stage area)
5. Regulate your "show" time to a half hour or less while taking at least a fifteen minute break between shows
6. Refrain from using profanity or obscene language in your act
7. Be courteous to spectators and fellow performers alike
8. If fire is used in an act, a fire extinguisher is required
9. Drinking alcoholic beverages is prohibited
10. If your act generates a mess, you must clean it up
11. The use of amplification in up to two spaces may be allowed at the discretion of the Board of Directors

B. The Performer's Lottery will be seniority based in the following manner:

- Each Performer will blindly select a number from a bucket. The Performers will then choose their spots in order of the number they have picked, lowest to highest.

- To gain a year of seniority, a performer must participate at least 60 days out of a year, and must be a dues paying member of CPS.

Year 1 = Newcomer Bucket

Year 2 and 3 = Snowbird Bucket

Year 4 and 5 = Snowbird in waiting

Year 6 and up = Honorary regular bucket (or Grandfather)

C. The Performer Lottery will be operated as follows:

- The lottery will begin approximately two hours and 15 minutes before sunset

- Late walk-ins can participate in lottery up until the time in which the numbers are called in their category. After that they can pick a spot from what's left after everyone has picked.

D. The change of status of any Mallory Square performer is subject to the approval of the Performers Committee. Any performer who believes he/she is being treated unfairly and therefore has a grievance may appeal to the Board of Directors of CPS and all interested parties will seek a satisfactory resolution to the dispute.

E. Because each performer owns the rights to his own act, neither CPS nor anyone else has any right to negotiate any contract on behalf of the performer without his express permission. When the Pier Manager is informed of any commercial film company's plans to film the activities on the pier, he will notify the performers as soon as possible. Those performers who wish not to be filmed will notify the Pier Manager who in turn will notify the film company of the performer's request.

F. Committee members ARE TO BE MEMBERS OF C.P.S. in good standing

G. Performers will elect a 7 person Performer Committee with two alternates. The Performer Committee must have four members to constitute a quorum. They shall meet on a regular basis preceding the Board of Directors meeting. The Committee shall be elected each year following the annual General Election meeting at the end of the year in a Performer Committee meeting. The Performer Committee is subject to approval by the Board of Directors and serves at the direction of the Board of Directors. The committee shall keep minutes of all Performer meetings and submit a report in writing to the Board of Directors.

H. All performers shall pay the same set-up fee as the artists, with the exception of small acts (acts that don't build up a crowd for more than a few minutes: statues, balloon twisters and musicians, etc. [decided by the Performer Committee]) who shall pay \$5.

I. The use of any non-professional person in any act, which would create an insurance liability (as determined by the pier Manager), is banned.

J. All decisions made by the Pier Manager are binding, unless appealed to the board.

K. Performers Selling:

1. Performers who offer items for sale must pay the same fee as artists and must get a State of Florida Sales and Use Tax ID Number.
2. Products must be brought to the PC Committee for record keeping of what is being sold on the pier.
3. Sales must be made next to their display within the performers own area
4. Signs are limited to 1' x 2' and the display is limited to 2' x 2' square at ground level
5. No hawking of products. Performers may only mention their items at the hat line.
6. No items will be offered for donation by performers.

VI. SPECIAL CATEGORY

A. To ensure the spontaneity and the spirit of sunset, a special events category may include:

1. Charity or community service groups
2. Traditional sunset participants and personalities not defined by previous categories such as Palm Readers, Tarot, Psychics, Astrologers, Portrait Artists, Caricaturists, etc. shall be juried at a Participation Committee meeting prior to first setup.

B. These participants must sign registration and release.

C. Special Category participants shall participate in the artists' lottery and may elect to set up on the water side of the pier in performers' spaces that are not being used by performers at the time of the lottery or in open spaces designated by the pier manager.

D. Participants who do body art are prohibited from using stencils or transfers.

VII. MISCELLANEOUS GUIDELINES

A. All participants on the pier are asked to respect the traditional set-up of performers on the "water" side and the artists/crafts persons/food on the "land" side of the pier.

B. For the purpose of these S.O.P's, performers are defined as buskers who work only for donations and all other

participants are defined as anyone who charges a set fee.

C. Professional camera crews must consult with the On-site Manager before filming.

D. Non-participants may not distribute commercial pamphlets on the pier.

E. In order to assure fairness, it may be necessary from time to time to limit the number of participants in any category.

F. Participants shall be on site and operational no later than thirty minutes after lottery is completed, with the exception of the performers.

G. No participant shall occupy more than one 6' by 8' space.

H. The use of gas generator is prohibited.

I. No toxic substances allowed.

J. No participant shall interfere with or damage the property of another participant.

K. Abusive, discourteous or drunken behavior to visitors or other participants shall not be tolerated and shall be grounds for suspension. The period of suspension is to be determined by the Pier Manager. Suspensions can be appealed at the next regular board meeting.

L. Any member of CPS giving time to CPS projects is given credit for that time, hour for hour. For every four hours given to CPS projects, a credit of one night on the pier is given, not as a free setup, but to earn days in maintaining or attaining status.

M. Any participant who is banned may not participate in any CPS activities.

N. The Board of Directors reserves the exclusive right to modify the participant map to reflect the best interest of the entire event. When the Board of Directors deems it beneficial, they may, at their discretion, restrict or prohibit the use of some participant spaces.

O. Failure of the Board of Directors or Pier Manager to enforce any rule outlined in the SOPs 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 SOPs

VIII. BLIND DRAW LOTTERY

A. There is a cap of 50 regular crafts person participants.

B. The Blind Draw Lottery consists of four categories:

1. **REGULAR PARTICIPANT**- Has participated 150 days on Pier and is allowed 90 consecutive days absence. Regular participants may make up days missed over 90 days but starts new after 180 days absence. EXAMPLE: 120 day absence must make up 30 days in snow bird category.
2. **SNOW BIRD IN WAITING**-More than 150 days, until there is an opening in the regular category. During lottery for spaces, Snowbirds in Waiting may draw from the regular bucket. However, in the event the pier is full, regular participants will have priority over the Snowbirds In Waiting. Snowbirds in Waiting will have priority over Snowbirds.
3. **SNOW BIRD**- Less than 150 days; more than 60 days.
4. **NEW COMERS**- Less than 60 days.

C. **Grandfather Status**- If the participant has participated for five consecutive years, as a dues paying member in the regular category and maintained that membership in the event of a hiatus at the pier, he/she is grandfathered into permanent Regular or Local status.

D. All non-grandfather participants must be on the pier at least 90 days in each calendar year or lose their status.

E. There is no loss of status when changing categories between food vendor, artist, entertainer, or special category, however a participant cannot operate simultaneously in two unrelated categories.

F. Participants who do not pay before set up shall be assigned space by the Pier Manager after Lottery is completed.

G. Participants may draw keys for other participants as long aslong as payment is made for each key drawn. There are no refunds for those who fail to use a key drawn on their behalf.

IX. PC Guidelines for Violations of CPS Standard Operating Procedures

The PC Committee is responsible for ensuring that all items being sold at Sunset Celebration are hand made by the participant. We would like to propose to the Board of Directors the following guidelines for any and all violations that occur. Any and all violations must be discussed by the PC (a minimum of four members of the committee) before any action would be taken. This could be done at a regular PC meeting or an informal meeting on the pier.

A. For the first offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant. If the PC determines at the PC meeting that the item in question is not a handmade item they would be told to remove it from the table.

B. For the second offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their second offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that they would be getting a one day suspension for the

violation. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.

2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting and the letter would also state that this is a second offence. If the PC determines at the PC meeting that the item in question is not a handmade they would be receiving a letter to that effect and that the item is to be removed from their table and that the Pier Manager would be giving them a one day suspension. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant.

C. For the third offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their third offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that the PC was going to take all of the letters they had written to the Board of Directors and ask the Board to remove the participant's privilege to work at Mallory Square. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
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X. CITY REGULATIONS

A. CPS and all of its participants and performers, agree to conform to all regulations of the City of Key West. A participant or performer found to be in violation of a City regulation may be subject to expulsion by the board.

B. In the event that the City and CPS determine that a participant or a performer is involved in an undertaking that might pose liability to the city or CPS, the City and CPS

may require of the participant and performer additional insurance and the execution of an indemnification.

Cultural Preservation Society

P O Box 4837

Key West, FL 33040

James K. Scholl

City Manager

City of Key West

1300 White Street

Key West, FL 33040

Dear Jim,

Enclosed are the amendments to our SOP's over the past couple of years. The old sop's are highlighted in yellow and the new are listed below that. We would appreciate your approval on these amendments.

Thanks for your help.

Susan Schaal

CPS Board of Directors

Cc: Marilyn Wilbarger

Senior Property Manager

City of Key West

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2. make the initial decision regarding participation in the nightly Sunset Celebration,
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3. All PC Committee members should have a background in art/crafts in order to be able to determine if the art/crafts work being juried meets the criteria of authenticity, originality and creativity.
4. Two members of the same family cannot be on the PC Committee at the same time.
5. PC Committee members shall reject any item being brought before them that does not appear to be hand made by the artist/craftsperson submitting such item(s).
6. A quorum of four is necessary for any decision. The committee shall meet twice monthly. The committee shall also have two qualified people available to jury twilight category.

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O. If there is an excessive number of active participants for certain types of art, such as jewelry or photography, the P.C. has the authority to limit the acceptance of new participants to only exceptional work.

SUMMARY:

The committee is authorized to evaluate and examine all aspects of the operation and development of artistic and cultural concerns in the Mallory Area, and report to the CPS Board of Directors its findings and recommendations. The Committee is further vested with all power and authority reasonably necessary for the execution of all responsibilities conferred upon it by these S.O.P.'s.

II. ON-SITE MANAGER

On-site Pier Manager is a paid position, hired by the board of directors, and serves at the direction of and under the discretion of the Board of Directors. The position requires knowledge of the S.O.P.'s and traditions and "Spirit of Sunset." The On-site Manager's duties and responsibilities will include the following:

1. to collect participants' registrations and releases and Florida State sales tax numbers yearly
2. to adjudicate booth size and location: (8 ft. wide, 6 ft. out and no taller than 4 ft. on the front 3 ft., with the exception of Food Participants height, all other exceptions to be made by the Participation Committee).
3. to implements all blind draw lotteries for space.
4. to assure that booth and performance set-up for the Sunset Festival begins no sooner than 2 hours before sunset each night in accordance with the Lease between the City of Key West and the CPS.
5. to ask participants to remove items if items do not appear to be hand crafted by the participants.
6. to attempt to adjudicate with fairness and equity with no discrimination, in accordance with the written Articles of Incorporation, Bylaws, Guidelines and Lease.
7. to instruct participant to alter or remove item, or cease activity, if it is deemed harmful to health, safety or welfare of the public
8. to contact Mallory Square Coordinator or police if necessary, in cases of emergency. In non-emergency situation, will consult the Participation Committee and/or Board of Directors.
9. to remain on site during the hours of operation.
10. to perform any and other duties that arise from time to time from the Board of Directors.
11. to be responsible for having pier cleaned at the end of each evening.
12. to be responsible for keeping life rings or life jackets available for emergencies.
13. to come to or submit report to the Board of Directors meetings.
14. to post the report or minutes of Participation Committee and Board of Directors meetings and agendas for all meetings at the Kiosk in a timely manner.
15. to give PATA an accurate participant count at the end of each night.
16. to prevent tripping, no electrical cords will be laid across walkways unless they are safely secured. For example: "taped to the inside corner of a star or passed overhead".

17. The On-site Manager reserves the right to deny participation to anyone not in compliance with this S.O.P's, and shall notify Participation Committee and post written notice of violation or lack of compliance in the daily log.
18. No motorized vehicles are allowed on the pier, with exceptions to be made by the Board of Directors on a case by case basis.
19. All participants shall report to the On-site Manager two hours before the estimated time of sunset and participate in the daily Lottery before they set up, with the exception of food participants, who shall be assigned space by the pier manager. Food vendors shall be allowed to set up no sooner than 30 minutes prior to lottery, but shall not sell until two hours before sunset according to the lease with the City of Key West.

III. ARTS AND CRAFTS AND FOOD

A. All participants shall sign CPS Registration and General Release forms and have Florida State sales tax number and a twenty dollar processing fee where applicable.

B. Arts and crafts shall be hand made by the participant or created or changed substantially in nature by participant for display or sale at the Sunset Festival. A potential participant must make his or her product(s) in front of PC and must come to the PC meeting prepared to do this. If this is impossible due to equipment restrictions, a home jurying can be arranged, but PC must see items first at a meeting to determine the need.

C. Our policy is to suspend jurying when current participants have been turned away three evenings during the previous attendance book week. Prospective participants may be warned of this in advance.

D. Artists or craftsmen shall be on site with their work; no agents or dealers will be allowed.

1. An agent is defined as any person who would be present without the artist or food vendor and does not substantially participate in the production of the item being sold.
2. To be recognized as a partnership by CPS, all partners must sign the CPS waiver, jointly, and be juried as one entity. All members of a partnership must jointly make all items and conform to paragraph B. A written agreement between partners shall be filed with CPS stating which partner has rights to which products. They must share the same space and have all names on the sales tax license. The partnership accrues the credit jointly, but is tracked in the attendance book individually, based on who draws and pays for the lottery key nightly. Should a partnership split up, the issue of who gets the seniority will be decided by the seniority accrued by each individual. The partner without seniority has the right to start as a new entity subject to jurying by the PC. If an individual takes on a partner after accruing seniority the new partnership is considered a new entity and the old partner must give up their seniority and start as a newcomer. Any questions regarding partnership and seniority may be addressed by the Board of Directors.

3. A helper has no status of his own, and can be on site only with the active participant at the discretion of the pier manager. Helpers in Twilight Category (Hair wrappers, Readers, etc.) must be considered partners because they work individually.

E. All bead work shall be hand strung by the participant; no exact copies of imported or commercially catalogued items or items which are already over represented on the pier and in the community.

F. Silk screened items shall be designed, the screens made and items printed by the participant.

G. Reproductions of original artwork must be juried by PC. They must conform to the 1/3 rule and be combined with original artwork on display. Participants must have made mats, and/or be framed or be hand tinted in some way have hand work. Only reproductions of the artist's own work is to be allowed.

Changed with Dec. 2016 Vote to read:

G. Reproductions of original artwork must be juried by PC. They must conform to the 1/3 rule and be combined with original artwork on display. Only reproductions of the artist's own work is to be allowed.

Changed with the Dec. 2017 Vote to read:

G. Reproductions of original artwork must be juried by PC. They must conform to the 1/3 rule and be combined with original artwork on display. Only reproductions of the artist's own two dimensional work is to be allowed. Reproductions placed on items that have a function (such as coffee cups, tshirts, key chains, etc.) is not allowed unless those items would be accepted by PC without the reproduction on them.

H. Photographers must take own pictures but they can be developed commercially. The mattes or frames must be hand made by the participant or must have other hand work such as coloring or etc.

I. One Third ruling: Participants who make complex or time consuming products can make one third of their product in a simpler or less time consuming manner in order to allow greater earnings. These products are subject to PC approval.

J. 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 penalty or suspension as determined by the board. In all cases honest signage is required. There shall be no signage offering wholesale.

K. Any two or more persons jointly engaged in the creation of a single art or craft or food item shall occupy the same allotted space.

M. No vendor may exactly replicate another artist/vendors product

Changed with the Dec. 2015 Vote to read:

M. No participant may sell a product that is a perceived duplication of an existing product on the pier.

IV. FOOD

A. All participants shall sign a registration and release form

B. Food items must be created by the participant from basic ingredients, (for example: fruits, vegetables, unprocessed meats, flour, etc.), or substantially embellished. No food pre-processed by a 3rd party can be served in an un-embellished state but can be used an element in a more creative food item, (for example: hot dogs in a shies-ka-bob, breaded fish in fish tacos, whipped cream on key lime pie)".

C. All food participants shall go through a 3 step process with the PC Committee prior to acceptance by the PC Committee:

1. Acceptance of food product and a rough draft of food cart design. All food carts must fit in the allotted 6' x 8' space provided by CPS.
2. Jury process for approval of all required paperwork, such as State License, Health workers card, etc.
3. Final approval of cart size and design in accordance with CPS Guidelines.

D. All food items must be prepared by the participant. A helper shall be allowed only with the participant on site.

E. No national franchise food items will be allowed

F. No partnerships are allowed in more than one business at the same time

G. Food participants must arrive 15 minutes prior to the artist lottery

H. There will be no more than 10 food vendor spaces. CPS will designate these spots.

I. No food vendor may exactly replicate another food vendors product

J. Butane or propane are the only acceptable fuels allowed

K. The use of hot oil for deep-fry cooking of food items is not allowed.

L. Fire extinguisher are required for vendors using an open flame

SECTIONS M – Q ADDED WITH THE 2017 Vote:

M. A food vendor's seniority shall be counted by the vendor's set up start date with the earliest vendor having the most seniority, followed by the next earliest one, then the next, etc.

N. A food vendor may claim occupancy of a food space to be used on a nightly basis and cannot be bumped from the space as long as he or she is present during the food set up time. A food vendor may claim only one space but may choose another vacant food space. In case of a conflict over a non-claimed space, the vendor with the most seniority will prevail. If a vendor does not occupy his claimed space for a period longer than 6 months, the space will open up. A food vendor may be assigned a space by the pier manager or the Board of Directors due to unusual size, smell or smoke, or other unusual activities which could negatively affect his neighbors.

O. There are two sizes of food spaces:

- 1. Standard spaces (6'x9') with electric outlets**
- 2. Mobile spaces (6'x4') for small mobile carts where electricity is not needed.**

P. All food space locations must be approved by the Board of Directors

Q. Approved food items must be present and available for sale for at least 60 days during a year, or the food vendor loses their exclusive right to that food product (for example; a food vendor may alternately sell ice cream or gumbo on a seasonal/weather basis)

V. PERFORMERS

A. All performers shall adhere to the following S.O.P's:

- 1. Shall sign a registration and release form**
- 2. Participate in the nightly lottery**
- 3. Acts performing on the waterfront are to perform close to the large curb with your back to the water while facing the land side. Acts performing in the plaza can face in any direction.**
- 4. Keep your audience toed up to the dotted black line running the length of the pier (it is recommended that you use a rope to delineate your stage area)**
- 5. Regulate your "show" time to a half hour or less while taking at least a fifteen minute break between shows**
- 6. Refrain from using profanity or obscene language in your act**
- 7. Be courteous to spectators and fellow performers alike**
- 8. If fire is used in an act, a fire extinguisher is required**
- 9. Drinking alcoholic beverages is prohibited**
- 10. If your act generates a mess, you must clean it up**

11. The use of amplification in up to two spaces may be allowed at the discretion of the Board of Directors

B. The Performer's lottery will be seniority based with the following categories:

1. Honorary regular performers- 10 years (with Performers Committee approval).
2. Permanent Regular Performers- 5 full successive seasons with Regular Performer status
3. Regular Performers- Regular Performers are those who work from 60 days to three years on the pier
4. Newcomers- Anyone who has worked 59 days or less. Newcomers are always welcome.

C. The Performer lottery will be operated as follows:

1. The lottery will begin approximately two hours and 15 minutes before sunset
2. Call ins will be accepted from five minutes before until five minutes after designated lottery start time
3. Call ins will be picked last in their category
4. Late walk ins can participate in lottery up until the time in which the numbers are called in their category
5. Performers who have participated less than 35 days in the previous quarter shall fall back to the next lowest category until they make up the number of days that they are shy of the 35.

SECTIONS B AND C ABOVE, REPLACED ENTIRELY WITH 2015 VOTE:

B. The Performer's Lottery will be seniority based in the following manner:

- Each Performer will blindly select a number from a bucket. The Performers will then choose their spots in order of the number they have picked, lowest to highest.

- To gain a year of seniority, a performer must participate at least 60 days out of a year, and must be a dues paying member of CPS.

Year 1 = Newcomer Bucket

Year 2 and 3 = Snowbird Bucket

Year 4 and 5 = Snowbird in waiting

Year 6 and up = Honorary regular bucket (or Grandfather)

C. The Performer Lottery will be operated as follows:

- The lottery will begin approximately two hours and 15 minutes before sunset

- Late walk-ins can participate in lottery up until the time in which the numbers are called in their category. After that they can pick a spot from what's left after everyone has picked.

D. The change of status of any Mallory Square performer is subject to the approval of the Performers Committee. Any performer who believes he/she is being treated unfairly and therefore has a grievance may appeal to the Board of Directors of CPS and all interested parties will seek a satisfactory resolution to the dispute.

E. Because each performer owns the rights to his own act, neither CPS nor anyone else has any right to negotiate any contract on behalf of the performer without his express permission. When the Pier Manager is informed of any commercial film company's plans to film the activities on the pier, he will notify the performers as soon as possible. Those performers who wish not to be filmed will notify the Pier Manager who in turn will notify the film company of the performer's request.

F. Committee members ARE TO BE MEMBERS OF C.P.S. in good standing

G. Performers will elect a 7 person Performer Committee with two alternates. The Performer Committee must have four members to constitute a quorum. They shall meet on a regular basis preceding the Board of Directors meeting. The Committee shall be elected each year following the annual General Election meeting at the end of the year in a Performer Committee meeting. The Performer Committee is subject to approval by the Board of Directors and serves at the direction of the Board of Directors. The committee shall keep minutes of all Performer meetings and submit a report in writing to the Board of Directors.

H. All performers shall pay the same set-up fee as the artists, with the exception of small acts (acts that don't build up a crowd for more than a few minutes: statues, balloon twisters and musicians, etc. [decided by the Performer Committee]) who shall pay \$5.

I. The use of any non-professional person in any act, which would create an insurance liability (as determined by the pier Manager), is banned.

J. All decisions made by the Pier Manager are binding, unless appealed to the board.

K. Performers Selling:

1. Performers who offer items for sale must pay the same fee as artists and must get a State of Florida Sales and Use Tax ID Number.
2. Products must be brought to the PC Committee for record keeping of what is being sold on the pier.
3. Sales must be made next to their display within the performers own area
4. Signs are limited to 1' x 2' and the display is limited to 2' x 2' square at ground level
5. No hawking of products. Performers may only mention their items at the hat line.
6. No items will be offered for donation by performers.

VI. SPECIAL CATEGORY

A. To ensure the spontaneity and the spirit of sunset, a special events category may include:

1. Charity or community service groups
2. Traditional sunset participants and personalities not defined by previous categories such as Palm Readers, Tarot, Psychics, Astrologers, Portrait Artists, Caricaturists, etc. shall be juried at a Participation Committee meeting prior to first setup.

B. These participants must sign registration and release.

C. Special Category participants shall participate in the artists' lottery and may elect to set up on the water side of the pier in performers' spaces that are not being used by performers at the time of the lottery or in open spaces designated by the pier manager.

D. Participants who do body art are prohibited from using stencils or transfers.

VII. MISCELLANEOUS GUIDELINES

A. All participants on the pier are asked to respect the traditional set-up of performers on the "water" side and the artists/crafts persons/food on the "land" side of the pier.

B. For the purpose of these S.O.P's, performers are defined as buskers who work only for donations and all other

participants are defined as anyone who charges a set fee.

C. Professional camera crews must consult with the On-site Manager before filming.

D. Non-participants may not distribute commercial pamphlets on the pier.

E. In order to assure fairness, it may be necessary from time to time to limit the number of participants in any category.

F. Participants shall be on site and operational no later than thirty minutes after lottery is completed, with the exception of the performers.

G. No participant shall occupy more than one 6' by 8' space.

H. The use of gas generator is prohibited.

I. No toxic substances allowed.

J. No participant shall interfere with or damage the property of another participant.

K. Abusive, discourteous or drunken behavior to visitors or other participants shall not be tolerated and shall be grounds for suspension. The period of suspension is to be determined by the Pier Manager. Suspensions can be appealed at the next regular board meeting.

L. Any member of CPS giving time to CPS projects is given credit for that time, hour for hour. For every four hours given to CPS projects, a credit of one night on the pier is given, not as a free setup, but to earn days in maintaining or attaining status.

Section M added with the 2015 Vote:

M. Any participant who is banned may not participate in any CPS activities.

Sections M and N added with 2017 Vote:

M. The Board of Directors reserves the exclusive right to modify the participant map to reflect the best interest of the entire event. When the Board of Directors deems it beneficial, they may, at their discretion, restrict or prohibit the use of some participant spaces.

N. Failure of the Board of Directors or Pier Manager to enforce any rule outlined in the SOPs 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 SOPs.

Highlighted sections above to be referred to as M, N, and O with the revised and published version of SOPS

VIII. BLIND DRAW LOTTERY

A. There is a cap of 50 regular crafts person participants.

B. The Blind Draw Lottery consists of four categories:

1. REGULAR PARTICIPANT- Has participated 150 days on Pier and is allowed 90 consecutive days absence. Regular participants may make up days missed over 90 days but starts new after 180 days absence. EXAMPLE: 120 day absence must make up 30 days in snow bird category.
2. SNOW BIRD IN WAITING-More than 150 days, until there is an opening in the regular category. During lottery for spaces, Snowbirds in Waiting may draw from the regular bucket. However, in the event the pier is full, regular participants will have priority over the Snowbirds In Waiting. Snowbirds in Waiting will have priority over Snowbirds.
3. SNOW BIRD- Less than 150 days; more than 60 days.
4. NEW COMERS- Less than 60 days.

C. Grandfather Status- If the participant has participated for five consecutive years, as a dues paying member in the regular category and maintained that membership in the event of a hiatus at the pier, he/she is grandfathered into permanent Regular or Local status.

D. All non-grandfather participants must be on the pier at least 90 days in each calendar year or lose their status.

E. There is no loss of status when changing categories between food vendor, artist, entertainer, or special category, however a participant cannot operate simultaneously in two unrelated categories.

F. Participants who do not pay before set up shall be assigned space by the Pier Manager after Lottery is completed.

G. Participants may draw keys for other participants as long aslong as payment is made for each key drawn. There are no refunds for those who fail to use a key drawn on their behalf.

IX. PC Guidelines for Violations of CPS Standard Operating Procedures

The PC Committee is responsible for ensuring that all items being sold at Sunset Celebration are hand made by the participant. We would like to propose to the Board of Directors the following guidelines for any and all violations that occur. Any and all violations must be discussed by the PC (a minimum of four members of the committee) before any action would be taken. This could be done at a regular PC meeting or an informal meeting on the pier.

A. For the first offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant. If the PC determines at the PC meeting that the item in question is not a handmade item they would be told to remove it from the table.

B. For the second offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their second offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that they would be getting a one day suspension for the violation. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting and the letter would also state that this is a second offence. If the PC determines at the PC meeting that the item in question is not a handmade they would be receiving a letter to that effect and that the item is to be removed from their table and that the Pier Manager would be giving them a one day suspension. A copy of the letter would be given to all Pier Managers for their records and the Pier Manager would deliver the original letter to the participant.

C. For the third offense the PC would:

1. If the item is something the participant was not juried for the PC would write a letter telling them to remove the item(s) from their table immediately and that this is their third offense. An exception would be for items the participant uses in conjunction with their handmade product, such as chains, leather cords, etc. They would be told that they cannot sell such item unless it is a part of their handmade product. They would also be advised that the PC was going to take all of the letters they had written to the Board of Directors and ask the Board to remove the participant's privilege to work at Mallory Square. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.
2. If the item is questionable (something that the participant could have made but looks to be made commercially) a letter would be sent advising them of the problem, advising them that the item in question can remain on their table until they have been re-juried. The PC would tell them to come to the next regularly scheduled PC meeting and the letter would also state that this is the third offense. If the PC determines at the PC meeting that the item in question is not a handmade they would receive a letter to that effect and that the item is to be removed from their table. They would also be advised that the PC was going to take all of the letters they had written to the Board of Directors and ask the Board to remove the participant's privilege to work at Mallory Square. A copy of the letter would be given to all Pier managers and the Pier Manager would deliver the original letter to the participant.

X. CITY REGULATIONS

A. CPS and all of its participants and performers, agree to conform to all regulations of the City of Key West. A participant or performer found to be in violation of a City regulation may be subject to expulsion by the board.

B. In the event that the City and CPS determine that a participant or a performer is involved in an undertaking that might pose liability to the city or CPS, the City and CPS may require of the participant and performer additional insurance and the execution of an indemnification.