

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES, TITLED "ZONING", ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 7, ENTITLED "TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL ZONING DISTRICTS"; BY AMENDING SEC. 122-1371 TITLED "TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL DWELLINGS; REGULATIONS" BY INCREASING THE INSPECTION AND ENFORCEMENT FEE THROUGH A CITY COMMISSION RESOLUTION, AND ESTABLISHING A RENEWAL PERIOD, DELINQUENT FEE, AND TRANSFER FEE; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that it is necessary to create an annual schedule to apply for and secure renewals of transient rental business tax receipts to streamline the renewal process, create penalties for delinquent filings, and establish a fee system for transfers to new owners; and

WHEREAS, at its meeting of November 18, 2021, the Key West Planning Board recommended approval of this proposed ordinance; and

WHEREAS, this amendment to Chapter 122 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:**

Section 1: That Sec. 122-1371 of the Code of Ordinances is hereby amended as follows*:

Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations.

[. . .]

(e) *Fees; application schedule.*

(1) A person or entity who holds a transient rental business tax receipt shall pay the customary annual business tax receipt fee, plus an annual inspection and enforcement fee ~~of~~ ~~\$125.00~~ upon the filing of the application set forth in subsection (c). Annual inspection and enforcement fees associated with this program are hereby established by City Commission Resolution and may be amended from time to time. All transient medallion licenses are due and payable on or before September 30th of the succeeding year. If September 30th falls on a weekend or holiday, the tax is due and payable on or before the first working day following

September 30th. Transient medallion licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the annual fee for the delinquent establishment.

(2) Fee revenues raised under this section shall be used to fund a position in the code enforcement division, and to provide enforcement and processing personnel as needed. The officer holding this position shall have as his or her primary responsibility the enforcement of the terms and conditions of this ordinance, and other city regulations relating to the transient use of properties.

(3) For a period of 90 days after the effective date of this section [September 22, 2003], the licensing division will receive initial applications pursuant to subsection (c), and related fees. There shall be a \$25.00 per dwelling unit late fee payable to the city upon application filing. In all subsequent years after the initial application, annual processing fees shall be paid at the same time as the business tax receipt. The city manager may determine to pro-rate the initial processing fee.

(4) Upon sale of a property which holds a transient medallion license, the transient medallion license may be transferred to the new owner of the property upon payment of a

transfer fee of ten percent of the annual license tax and presentation of evidence of the sale and the original license upon the filing of the application set forth in subsection (c).

(f) *Enforcement; penalties.* A violation of this section shall be punishable as a misdemeanor and by a fine of up to \$500.00 per day, per unit, per violation. The code enforcement division may also enforce the terms of this section by bringing a case to the code enforcement special master pursuant to its authority under law and ordinance. In addition, any license or permission granted hereunder may be revoked for cause, upon notice and opportunity to be heard, by the city commission. In addition to any other remedy available to the city, the city or any adversely affected party may enforce the terms of this section in law or equity. Any citizen of Key West may seek injunctive relief in a court of competent jurisdiction to prevent a violation of this section. The city, by and through its code enforcement division, may apply for an administrative search warrant to enter upon the premises of any residence subject to this section.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable

therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of
the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK