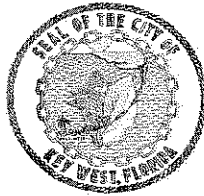


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THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West
From: Ronald Ramsingh, Assistant City Attorney
Date: February 27, 2012
RE: Revision to the Camping ordinance

Mr. Mayor and Commissioners:

Background:

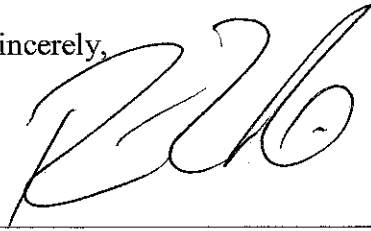
This is a proposed revision to the existing ordinance concerning camping in the City of Key West. Currently, Sec. 62-4 defines camping as "To pitch or occupy a tent or other temporary shelter for sleeping or other habitation purposes." This proposal adds language that includes a parked motor vehicle. This proposed revision also adds a definition of "motor vehicle" consistent with that in Florida Statutes. Further, the proposed revision makes the prohibition regarding camping in vehicles much clearer than what presently exists. Finally, the proposed revision provides for a warning for a first offense in order to educate unsuspecting violators. Second and subsequent violations are subject to arrest under FL Statute 901.15. Also, there is an exception built into the ordinance for drivers who have otherwise lawfully stayed in their vehicle to avoid committing unrelated offenses such as D.U.I. This is to address any constitutional challenges such as the Overbreadth Doctrine which would defeat ordinances that prohibit otherwise lawful activity.

Options:

1. To pass the proposed ordinance revision, thereby making the current prohibition against camping or sleeping in vehicles much clearer;
2. To defeat the proposed revision and the existing ordinance will continue to be enforced.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'RR', written over a horizontal line.

Ron Ramsingh

Assistant City Attorney