

ORDINANCE NO. 00-37

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 63 OF THE CODE OF ORDINANCES
ENTITLED "TRAFFIC" BY AMENDING SECTION 63.20
TO DEFINE AND REGULATE BUS TOURS IN THE
HISTORIC DISTRICT AND TO RE-ESTABLISH
REGULATIONS FOR THE PARKING AND STOPPING OF
BUSES; ADDING SECTION 63.205 TO PROVIDE FOR
REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission is concerned about traffic congestion, pedestrian and vehicular safety, and the impact of large vehicles on narrow streets in the historic district; and

WHEREAS, the City Commission is concerned that large vehicles, including buses, unable to negotiate the narrow turns in the historic district, are damaging City property, including sidewalks, storm sewers and lampposts; and

WHEREAS, the City Commission desires to promote the aesthetic charm of the historic district and the quality of life of its inhabitants, and to maintain the tax base land values of the City; and

WHEREAS, the City Commission, upon recommendation by the City Manager with the advice of the Community Traffic Safety Program, desires to regulate the use of buses on City streets, particularly in the historic district; and

WHEREAS, the City Commission finds that such additional bus regulations will serve to promote the health, safety and welfare of the citizens of Key West;

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

Section 1: That Section 63.20 of the Code of Ordinances is hereby amended as follows:

Sec. 63.20 ~~Parking prohibited; exceptions~~

**Bus tours restricted in historic district;
additional bus regulations.**

~~(a) Except as provided herein, it shall be unlawful and a violation of this Code for any person to park, cause to be parked, allow to be parked, or cause or allow to remain standing or stationary, except in the normal course of traffic flow, any bus, as defined in section 63.07, whether occupied or not, and whether attended or unattended, except for the purpose of loading and unloading of passengers or of property, and unless such activity is actually taking place, on any street or other area over which the City of Key West exercises parking jurisdiction.~~

~~(b) Off street parking of buses shall be confined to such specific parking areas designated and established by the city manager or his/her designee to accommodate the parking needs of buses within the city. No overnight parking shall be permitted in any parking area so designated.~~

(a) Except as provided in subsection (c) hereof, bus tours are prohibited in the historic district. The historic district shall mean all areas of the City with an historic zoning designation. The city manager, or his designee, shall cause to be erected signs advising bus drivers of the regulations contained in this section 63.20

(b) For the purposes of this section:

(i) "bus tour" shall mean a sightseeing tour on the streets of Key West or an excursion to or through places of

interest in Key West, provided to passengers by the operator of a bus or motor coach not greater in length than thirty-one (31) feet and notwithstanding the place of origination of the transportation source.

(ii) A "destination bus" shall mean any bus, other than school buses, City public transit buses, or buses used for other governmental purposes, that enter Key West for the purpose of taking passengers directly to a specific destination.

(c) Bus tours shall be permitted according to the following regulations:

(i) A permitted bus providing a bus tour in the historic district shall be no greater than thirty-one (31) feet in length.

(ii) Each tour bus using the streets of the historic district as provided in subsection (i) shall display a permit issued by the City. The operator of the tour bus shall apply for the permit in advance of the tour from the City's licensing division. The number of permits available on a daily basis for all operators shall be limited to six (6). The city manager shall establish an allocation system to ensure a fair distribution of permits among applicants. A permit fee shall be established by Resolution.

(iii) In addition to a driver, each bus providing a bus tour shall carry a guide. The guide (or the guide's company) shall hold an occupational license of the City. A guide shall mean any person who for compensation shows and describes the points of interest and historical places of the city. In order to obtain an

occupational license, all guides must submit a letter to the Licensing Division demonstrating a knowledge of this ordinance, its permissible routes and drop-off locations.

(iv) Tour buses carrying licensed guides shall proceed only on streets of the historic district that are so designated by the city manager. Guided tour buses may drop off passengers only at locations designated by the city manager.

(v) All other buses (including, but not limited to destination buses and non-guided tour buses) entering the island shall proceed on a direct route to private property or shall unload their passengers at drop-off locations designated by the city manager. These buses shall display a permit issued by the City.

A bus carrying school children may stop temporarily to load and unload at any location that is deemed by the operator of the bus as safe for children.

(vi) All tour buses and destination buses shall park only on private property or at locations designated by the city manager.

(vii) Violations of this section 63.20 may be enforced by the issuance of a parking ticket or by a citation pursuant to Section 1.13 of the Code of Ordinances, as applicable.

(d) No permit shall be issued to a bus tour company that has been convicted of or has pleaded no contest to two (2) violations hereunder. Such tour bus company may apply to the city manager for reinstatement of permit eligibility one (1) year after the second finding of violation.

(e) On any street or other public right-of-way of the city, it shall be unlawful for any person to park, allow to be parked or allow to remain standing or stationary (other than in the normal course of traffic flow) any bus, whether occupied or not, attended or unattended, except for the purpose of loading or unloading passengers or property at loading zones designated by the City Manager.

~~(e)~~ (f) The prohibition contained in this section 63.199(a) shall not apply to the following:

* * * *

(3) vehicles licensed either as sightseeing meter vehicles" pursuant to ~~sections 92.24 through 92.32~~ chapter 92 or by franchise granted by the city;

~~(4) Vehicles licensed as "passenger vehicles for hire" pursuant to sections 92.10 through 92.14 or section 92.21;~~

~~(5) Vehicles operated pursuant to franchises granted by the City of Key West;~~

~~(6)~~ (4) Disabled vehicles, temporarily parked on city streets or other areas over which the City of Key West exercised parking jurisdiction but such vehicles must be removed from such streets or areas within not more than (2) hours by wrecker towing.

~~(d)~~ (g) No bus as defined in section 63.07, while parked in a designated parking area, shall leave its engine running, except for a five-minute unloading period immediately prior to leaving said a parking area.

~~(e)~~ (h) Whenever any police officer or other authorized law enforcement officer finds a bus standing, stationary, or parked, upon a street within the city in violation of these provisions, such officer shall issue a parking citation to the driver or owner as the alleged violator. If such vehicle is unattended the parking citation may be attached to the vehicle in a conspicuous place. Such officer is further authorized to immediately move such vehicle or cause the same to be moved, or to require the owner, driver, or person in charge of the vehicle to move the same.

~~(f) The city manager or his/her designee is directed and empowered to take all steps necessary and appropriate to carry out and effectuate the purposes of these provisions. This authority specifically includes, but is not limited to arranging for, acquiring and erecting at conspicuous locations throughout the city and at adequate distances outside Key West along the southbound lane of U.S. Highway No. 1, signs advising the drivers of buses of the parking prohibition directing them to public or private lawful parking facilities within the city limits.~~

Section 2: That Section 63.205 is hereby added to the Code of Ordinances as follows:

Sec. 63.205 Review.

The city manager shall provide quarterly reports to the city commission. The city commission shall appoint a committee to review section 63.20 in one (1) year from its effective date. The committee shall report its findings to the city commission within sixty (60) days of its appointment.

Section 3: 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 4: 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 5: This Ordinance shall go into effect on October 1, 2001.

Read and passed on first reading at a regular meeting held this 9TH day of SEPTEMBER, 2000.

Read and passed on second reading at a regular meeting held this 15TH day of NOVEMBER, 2000.

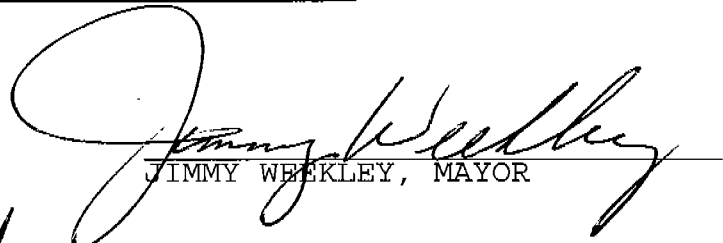
Read and passed on final reading at a regular meeting held this 5TH day of DECEMBER, 2000.

Authenticated by the presiding officer and Clerk of the Commission on 6TH day of DECEMBER, 2000.

Filed with the Clerk DECEMBER 6, 2000.

ATTEST:


CHERYL SMITH, CITY CLERK


JIMMY WEEKLEY, MAYOR

MEMORANDUM

TO: Mayor and Members of the City Commission

FROM: Robert Tischenkel *RT*
City Attorney

DATE: November 27, 2000

RE: Tour Bus Ordinance

Attached is the Tour Bus Ordinance for third reading. It reflects the changes made by the City Commission at second reading, and one additional change authorized by Commissioner Turner in clarification of her amendments. In section 63.20 (c) (ii), the annual limit on permits has been removed.

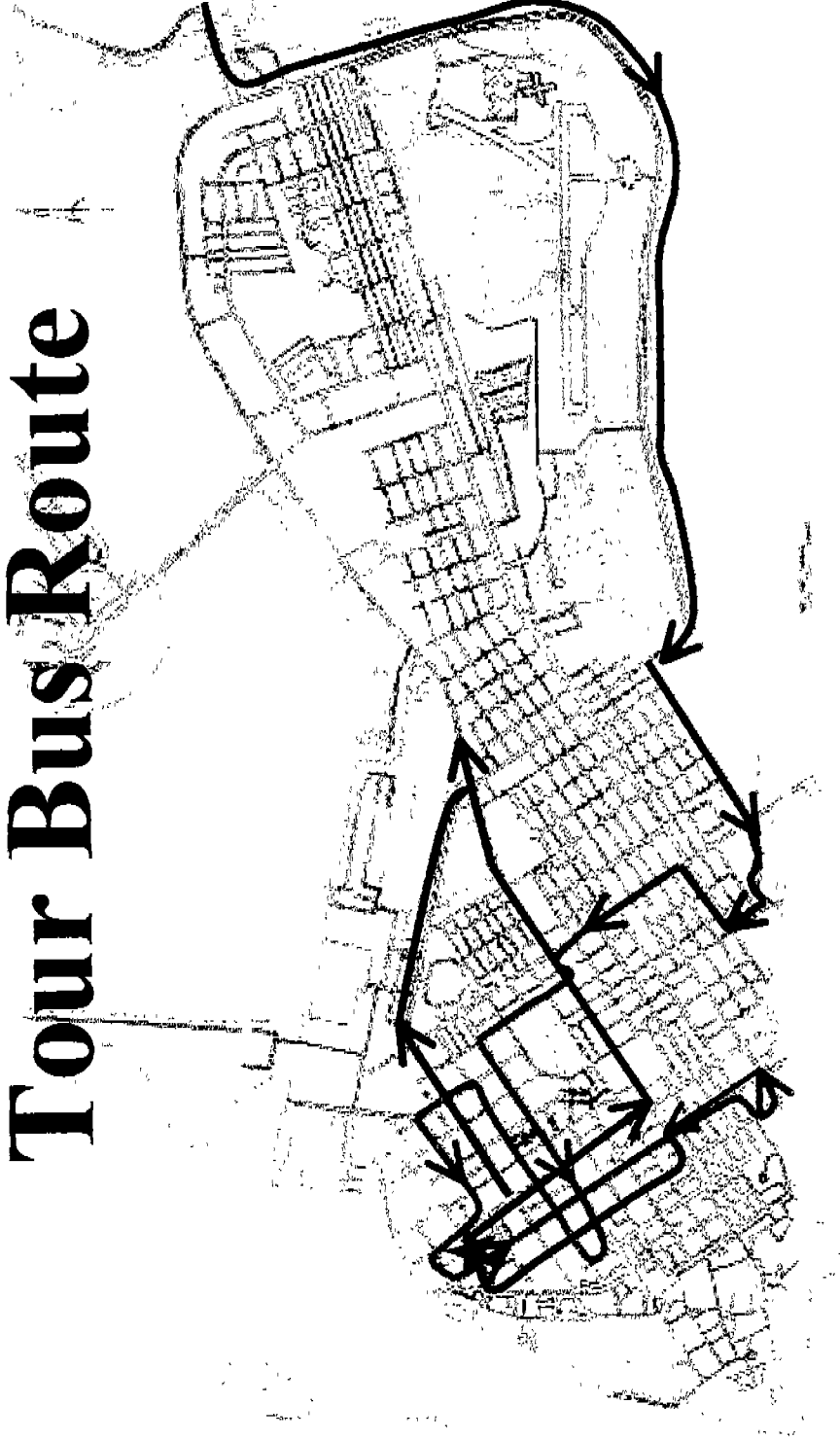
Tour Bus Route:

1. South Roosevelt boulevard – Beaches
2. Right onto Bertha Street
3. Left onto Atlantic Boulevard – McCoy Indigenous Park, Beaches
4. Right onto Reynolds Street
5. Right onto Flagler Avenue
6. Left onto White Street
7. Left onto Truman Avenue
8. Right onto Francis Street – Key West Cemetery
9. Left onto Southard Street
10. Right onto Thomas Street
11. Right onto Fleming Street
12. Left onto Grinnell Street
13. Left onto Caroline Street – potential drop off & pick up, Key West Bight
14. Right onto Simonton Street
15. Left onto Front Street
16. Left onto Duval Street
17. Right onto United Street
18. Left onto Whitehead Street – past Southernmost Monument
19. Left onto South Street
20. Left onto Duval Street – Potential stop for walk to Southernmost Monument
21. Left onto Truman Avenue
22. Right onto Whitehead Street –Lighthouse, Hemingway House
23. Right onto Greene Street
24. Right onto Simonton Street

Either

25. Left onto Eaton Street and out of town or to hotels via Palm Avenue and North Roosevelt Boulevard
25. Left onto Truman Avenue and out of town or to hotels via and North Roosevelt Boulevard

Proposed Tour Bus Route



Tour Bus Permit

Issued by: _____

Date: _____

To: _____

9/3/99

Valid Date

Destination Buses:

Remaining at issue are the following:

1. Route
2. Loading/unloading locations
3. Permitting Process
4. Enforcement

Route:

The proposed Truck Route (attached) provides the best route to select destinations with minimal impacts on traffic, business and residents.

Loading /Unloading:

The following locations were considered the most accessible while accommodating the need to unload passengers near the desired destinations. These locations are either within close proximity to desired tourist destinations or modes of transportation that can provide tours of the City or act as a shuttle system.

Locations (see attached map):

1. Mel Fisher Museum (Clinton Square/Green Street)
2. Flagler Station/Historium (Caroline Street)
3. Mac's Sea Garden (access road at Key West Bight between Margaret and William Streets).
4. Duval Street at the intersection of South Street
5. Simonton Beach (North end of Simonton Street)
6. Trumbo Road

Once passengers have been dropped off, a parking area would be required to store the buses while their guests are touring the City. Trumbo Road and a vacant parcel on Trumbo Road (owned by the Monroe County School Board) would be preferable locations since they are close to a majority of the designated drop off locations and provide amenities for the bus driver.

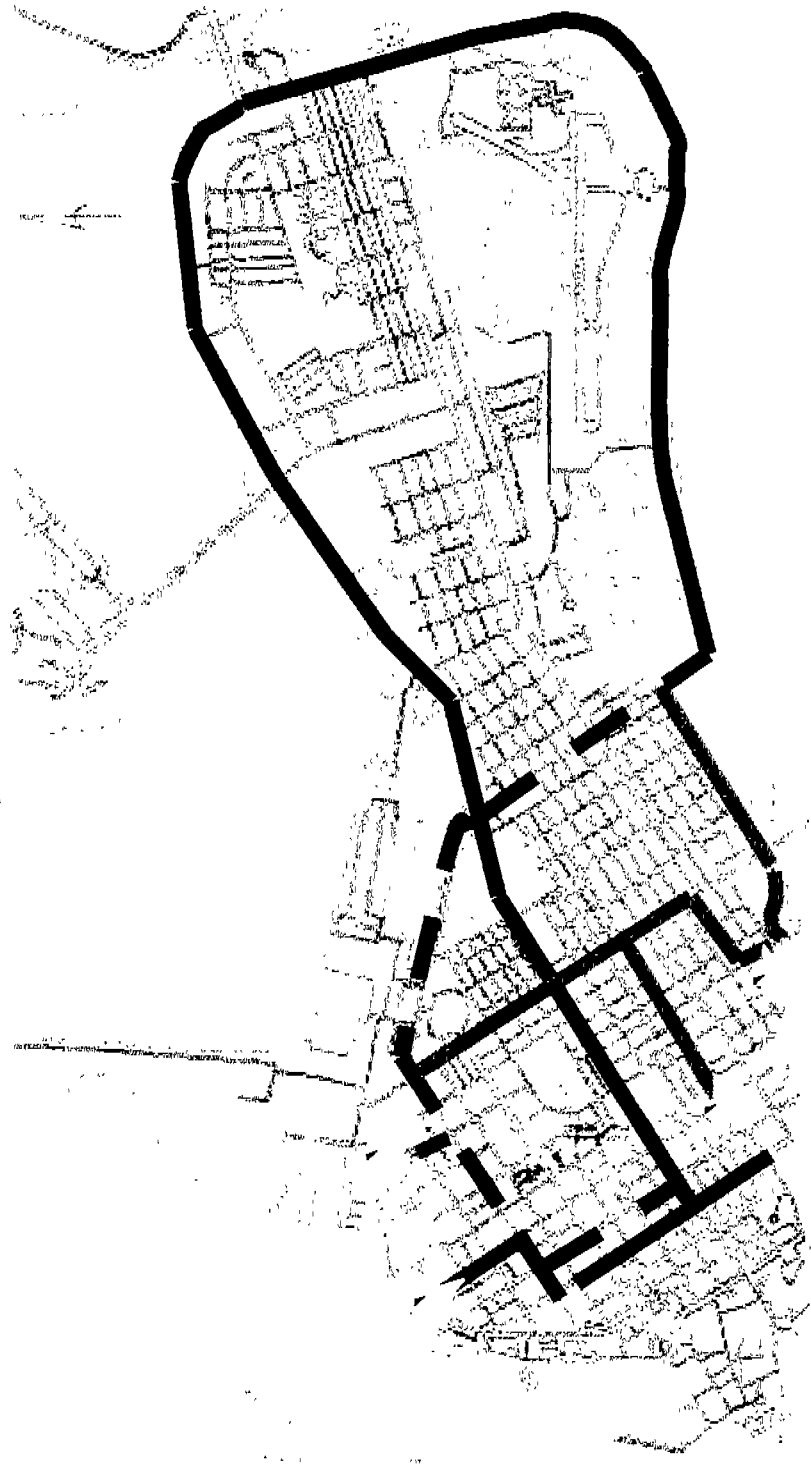
Permitting Process:

The permitting process would be implemented as part of the Tour Bus permitting process. Bus companies would have to be advised of the designated routes and drop off locations. Permits for Destination Buses would be handled as stated for Tour Buses but fees would only be charged to buses utilizing Public loading/unloading destinations as compared to private property destinations. All buses would need to obtain permits in order to maintain the distinction between the two types of buses (Tour and Destination). Idling times would need to be established and the buses required to use established parking areas or private parking lots.

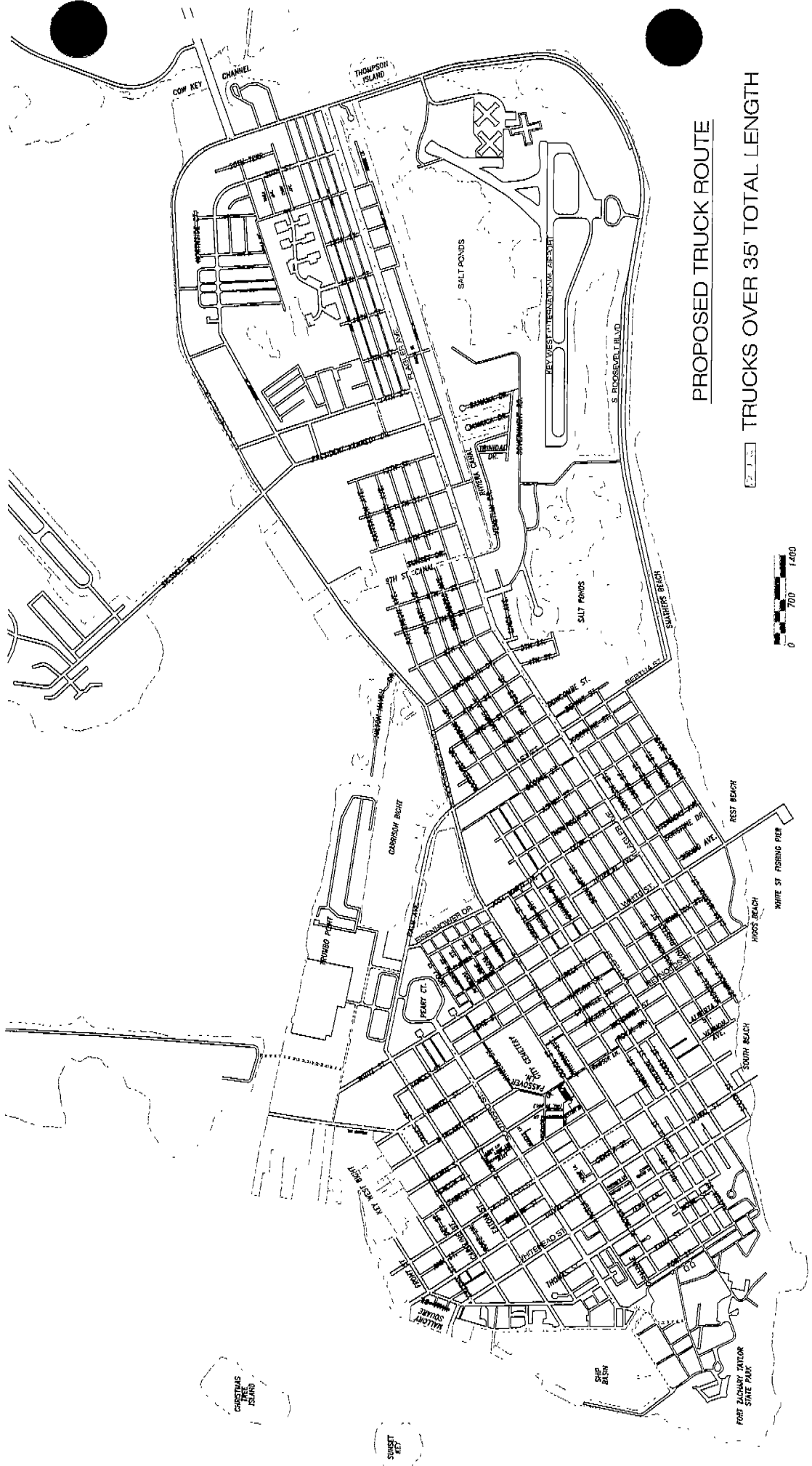
Enforcement:

An enforcement procedure would need to be established for buses violating the established routes, providing tours without permits, or excessive idling times. There would still be an impact on businesses and residences on the established routes. However, the restrictions imposed would reduce the impact.

Proposed Route for Destination Buses



— State Road — — — County Road
— City Street — Hotel or Parking Destinations



PROPOSED TRUCK ROUTE

TRUCKS OVER 35' TOTAL LENGTH



