

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 18 ENTITLED "BUSINESSES,"  
ARTICLE VIII ENTITLED "OFF-PREMISE CANVASSING",  
BY AMENDING SECTION 18-415 ENTITLED  
"RESTRICTIONS IN HISTORIC DISTRICT", BY ADDING  
THE AREA KNOWN AS THE SOUTHERNMOST POINT TO THE  
PROHIBITED AREAS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT  
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that the area known as the Southernmost Point is one of the most congested areas within the City of Key West; and

WHEREAS, the City Commission recognizes that in addition to thousands of pedestrians visiting this landmark on a daily basis, the area is also open to vehicular traffic and tour vehicles which only serve to make the area more congested and dangerous for pedestrians; and

WHEREAS, the City Commission recognizes that the establishment of off-premise canvassers at the area known as the Southernmost Point only serves to further impede pedestrian traffic on the sidewalks and as a result, vehicular traffic as well; and

WHEREAS, the City Commission finds that a prohibition of off-premise canvassers at the area known as the Southernmost Point is a reasonable time, place and manner restriction to otherwise protected commercial

speech and 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 Section 18-415 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 18-415. - Restrictions in historic district.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Corner and street corner* mean the sidewalk where two or more platted or public streets meet, overlap, intersect or bisect, and the adjoining sidewalk area or unpaved right-of-way area serving as a sidewalk, but not including the street, extending 25 feet in either direction.

*Right-of-way* includes but is not limited to the street, the sidewalk, the corner and the curb.

(b) Any person engaging in off-premises canvassing in the historic district shall abide by the following restrictions:

(1) No off-premises canvasser may operate on the public right-of-way at the following prohibited streets or areas:

- a. Duval Street.
- b. Front Street.
- c. Wall Street.
- d. Exchange Street.
- e. Fitzpatrick Street.
- f. Tift Alley.
- g. The area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point one hundred feet south of Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street.
- h. The area known as the Key West Bight, including all city-owned leasehold properties, parking lots, streets, the Harbor Walk and docks.
- i. The area commonly known as the Southernmost Point extending from the intersection of South and Duval Streets westward to the Southernmost Point monument then continuing northward to the intersection of United and Whitehead Streets.

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(Coding: Added language is underlined; deleted language is ~~struck through~~. Added language for second reading is double-underlined; deleted language is ~~double struck through~~.)

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.

Read and passed on first reading at a regular  
meeting held this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

Read and passed on final reading at a regular  
meeting held this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

Authenticated by the presiding officer and Clerk  
of the Commission on \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Clayton Lopez \_\_\_\_\_

Commissioner Samuel Kaufmann \_\_\_\_\_

Commissioner Richard Payne \_\_\_\_\_

Commissioner Margaret Romero \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK