

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" ARTICLE X "DIVISION 1.GENERALLY" BY ADDING SECTION 70-496 - DEFINITIONS; ADDING SECTION 70-497 - BUS PARKING RESTRICTED; AMENDING ARTICLE X, DIVISION 2, SECTION 70-521 TO AMEND PROVISIONS RESTRICTING BUS TOURS IN THE HISTORIC DISTRICT; REPEALING SECTION 70-522, TITLED "PARKING RESTRICTED," AND REPLACING IT WITH A NEW SECTION 70-522 TO PROVIDE FOR IDENTIFICATION AND MARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that there exist serious concerns 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 finds that large vehicles, including buses, are unable to negotiate the narrow turns and streets in the historic district; and

WHEREAS, the City Commission finds that the proposed ordinance will serve to promote the aesthetic charm of the historic district and the quality of life of its inhabitants, and will serve to provide and promote an organized and positive experience for visitors arriving in Key West by bus; and

WHEREAS, the City Commission, upon recommendation by the City Manager with the advice of the Director of Parking, 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 70-496 is added to the Code of Ordinances as follows*:

Sec. 70-496. -- Definitions

Definitions. The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this subsection:

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Bus means any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation and which utilize the streets, rights-of-way or other public property of the City of Key West for the loading or unloading of its passengers.

Bus tour means a tour or an excursion, conducted by the use of a bus of any size, to or through places of tourist interest in Key West, whether or not a narrative description of history or scenery is offered.

Historic District means all areas of the city with an historic zoning designation.

Section 2: That Section 70-497 is added to the Code of Ordinances as follows:

Sec. 70-497. Bus Parking restricted.

(a) 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 cause 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 active loading and active unloading of passengers or

property at loading zones designated by the city manager. All buses must park on private property (with the permission of the property owner) or at locations designated for such purpose by the city manager.

(b) Parking, active loading and active unloading of buses shall be confined to the City bus parking lot located at 908 Caroline Street or 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.

(c) The prohibition contained in section 70-497 shall not apply to the following:

(1) vehicles licensed as "sightseeing motor vehicles" pursuant to Chapter 78, Articles IV and V of the code of ordinances;

(2) Vehicles licensed as "passenger vehicles for hire" pursuant to Chapter 78, Article II of the code of ordinances;

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

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

(5) School Buses

(d) No bus, while parked in a designated parking area, shall leave its engine running, except for a five-minute active unloading period immediately upon arrival at a parking area or 20 minutes prior to leaving said parking area.

(e) Whenever any police officer, parking enforcement specialist, or other authorized law enforcement officer finds a bus standing, stationary, or parked, within the city in violation of these provisions, such officer shall issue a parking citation, or a notice to appear, 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 and directing them to lawful public parking facilities within the city limits.

(g) Buses shall only park in the designated parking zones during the hours posted at said parking zone as determined by the City Manager.

(h) Parking fees for bus parking in designated bus parking zones shall be \$100.00 per day or \$1,500.00 per month per vehicle and may be amended from time to time by Resolution.

Section 3: That Section 70-521 of the Code of Ordinances is hereby amended as follows:

Sec. 70-521. - Bus tours restricted in historic district.

~~(a) Definitions. — The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this subsection:~~

~~Bus tour means a tour or an excursion, conducted by the~~

~~use of a bus of any size, to or through places of tourist interest in Key West, whether or not a narrative description of history or scenery is offered.~~

~~Historic District means all areas of the city with an historic zoning designation.~~

(~~b~~a) No person or firm shall operate a bus tour ~~using a bus in excess of 31 feet in length on the streets of the historic district.~~

(~~e~~b) A bus in excess of 31 feet taking passengers directly to a specific destination may use the streets of the city and its historic district, but only those streets designated by the city manager. (A map of those streets is attached to and made part of this Ordinance ~~No. 01-07.~~) If the origination of a 31-foot bus to be used for a bus tour is Key West or Monroe County, notwithstanding the origination of its passengers, then the operator must obtain a franchise from the city in order to operate a bus tour on the public right-of-way.

Section 4: That Section 70-522 of the Code of Ordinances, titled "Parking restricted", is hereby repealed in its entirety.

Section 5: That a new Section 70-522 is hereby
added to the Code of Ordinances as follows:

Sec. 70-522 - Identification and marking generally.

Generally. Every bus shall have a sign in plain view on each
side of the vehicle, in letters not less than four inches high,
containing the full name of the company operating the bus. All
markings must be permanently fixed to the vehicle. No electronic
or neon signage is permitted. There shall be no third-party
advertising of any kind on buses.

Section 6: That section 70-523 of the Code of
Ordinances is hereby amended as follows:

**Sec. 70-523 - Enforcement of sections ~~70-521 and 70-522~~
70-496 through 70-522.**

Violations of section 70-496 through 70-522 may be enforced
by the issuance of a parking ticket or by a citation pursuant to
section 1-15 of this Code, as applicable.

Section 7: 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 8: 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 9: 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 _____ day of _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates _____

Vice Mayor Clayton Lopez _____

Commissioner Sam Kaufman _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK