

OFFICE OF THE CITY ATTORNEY



PHONE: (305) 809-3770

FAX: (305) 809-3771

THE CITY OF KEY WEST

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409
WWW.KEYWESTCITY.COM

EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: Ron Ramsingh, Assistant City Attorney

Date: March 11, 2014

RE: Proposed ordinance revision to regulate cosmetic cream businesses in the historic district

Action statement:

A proposed ordinance revision to include cosmetic cream shops in the realm of regulations that govern t-shirt shops, contractors, mobile vendors, recreational rental vehicles, alcohol sales, pawnbrokers, and peddlers. This revision is being proposed by Commissioner Weekley.

Background:

The city has received numerous complaints concerning customers of cosmetic cream shops along Duval St. falling victim to predatory sales tactics and being charged exorbitant amounts of money for services that they did not expressly acquiesce to, and the sales of products for which the price was not fully disclosed prior to purchase. Further, the typical exchange policies not allowing for exchanges (if at all) within 14 days of purchase makes it practically impossible for a short term visitor to refund their purchase if they realize that their purchase was not what was represented. This proposal does not infringe on a business owner's right to set their own rates for products or services on the free market or prescribe a particular return policy. The ordinance only applies to higher end sales and services over \$75.00 in the historic district. This ordinance merely requires such cosmetic retailers in the historic district to fully inform its patrons of the costs of the goods and services in multiple languages in unambiguous terms in order to have

fully informed customers prior to purchase. This ordinance is nearly identical to the ordinance that was adopted in 1993 concerning t-shirt shops (custom made wearing apparel ordinance).

Options:

1. To pass the proposed ordinance revision, thereby requiring cosmetic cream retailers operating in the historic district to fully inform their customers of the prices for goods and services prior to purchase.
2. To fail the proposed revision and thereby continue to allow cosmetic cream retailers to operate in Key West without a requirement to fully advise customers of prices for goods and services.

Reccomendation:

To pass the proposed revision