

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING ARTICLE II, ENTITLED "NUISANCES", DIVISION 4 "USE OF PARKS ON CITY PROPERTY" BY AMENDING THE TITLE OF DIVISION 4; BY AMENDING SECTION 26-96, "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that there is a need to address public vagrancy in all parks; and

WHEREAS, the City Commission for the City of Key West finds that the Key West Police Department can provide additional assistance to address public vagrancy in parks owned by other governmental agencies and within the city limits; and

WHEREAS, the City Commission for the City of Key West finds that amending the definition of a public park to include parks owned by other governmental agencies that are within city limits will bring these parks in line with the definition of all parks within the City of Key West,

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

Section 1: That Chapter 26, Article II of the Code of Ordinances is hereby amended as follows*:

DIVISION 4. - USE OF PARKS ~~LOCATED ON CITY PROPERTY~~

Section 2: That section 26-96 of the Code of Ordinances is hereby amended as follows:

Sec. 26-96. - Definitions.

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

Alcoholic beverage means any beverage containing more than one-half (0.5) percent alcohol or more by weight.

Open container means any receptacle or container immediately capable of being consumed from by a person or which has been opened or a seal broken or the contents of which have been partially removed.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Public park means any public open space owned by city, county, state or federal government including, but not limited to: the area commonly referred to as "The Pines" south of the airport, Indigenous Park, Cozumel Park, Bill Butler Park, Little Hamaca Park, Nelson English Park, Bayview Park, Mallory Square, Mallory Dock, Wickers Field, Clayton Sterling Fields, that portion of Peary Court leased by the city, ~~White Street~~ Edward B. Knight Pier, the AIDS Memorial Park, the upland area of Rest Beach from the mean high tide waterline to the curb of Atlantic Boulevard, and the community pool, the area commonly known as the Truman Waterfront owned by the City of Key West, Spottswood Park, and all designated city pocket parks.

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 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