

ORDINANCE NO. _____

AN ORDINANCE EXTENDING FOR A MAXIMUM OF THREE MONTHS THE FRANCHISE AGREEMENT MOST RECENTLY GRANTED TO CONCH TOUR TRAINS INC. PURSUANT TO ORDINANCE 95-4 TO OPERATE CITY-WIDE SIGHTSEEING / SHUTTLE OPERATION; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, municipalities in the State of Florida are authorized to regulate commercial traffic upon municipal streets. *Pennington v. Quigg*, 114 So. 859 (Fla. 1927); *Jarrell v. Orlando Transit Co.*, 167 So. 664 (Fla. 1936); *City of Coral Gables v. City of Miami*, 190 So. 427 (Fla. 1939); *City of Miami v. South Miami Coach Lines, Inc.*, 59 So. 2d 52 (Fla. 1952); *Pratt v. City of Hollywood*, 78 So. 2d 697 (Fla. 1955).

WHEREAS, the City of Key West and Conch Tour Trains Inc. entered into a franchise agreement for sightseeing / shuttle operations pursuant to Key West City ordinance 95-4.

WHEREAS, that franchise agreement expires in February 2015.

WHEREAS, the Key West City Commission has held multiple public meetings regarding revisions to its Code of Ordinances governing franchise agreements.

WHEREAS, the City Commission passed amendments to the franchise ordinances at first reading on December 15, 2014 and intends on codifying new regulations upon second reading.

WHEREAS, franchise agreements will be subject to the revisions made by the City Commission.

WHEREAS, it is reasonable to extend the current franchise agreement while the City Commission completes revisions and negotiates new or amended franchise agreements.

WHEREAS, Key West City Charter section 7.01(4) requires that the grant of a franchise must be done by ordinance.

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

Section 1.

That the termination date of franchise agreement granted in section 13 of City Commission ordinance 95-4 is extended until May 10, 2015.

Section 2.

This Ordinance shall go into effect upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and written acceptance by the Franchise operator.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2015.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2015.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK