

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING SECTION 58-34 OF THE
CODE OF ORDINANCES ENTITLED "COLLECTION
AND DISPOSAL, UNLAWFUL DISPOSAL" BY
ADDING SUBSECTION (f) TO PROHIBIT THE
STORING OR DISPOSING OF CERTAIN
MATERIALS IN VEHICLES OR TRAILERS;
PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Commission for the City of Key West recognizes a need to prohibit persons and business from using the City's rights of way for the purpose of storing vehicles that are used primarily to collect and transport waste materials, yard debris, recyclables, refuse or rubbish; and

WHEREAS, the City Commission for the City of Key West recognizes a heightened environmental risk to the City's groundwater and storm water drainage systems as well as the creation of hazardous conditions to our residents and visitors from the potential for spilled contaminants from these vehicles; and

WHEREAS The City Commission for the City of Key West believes that such an amendment to this ordinance promotes the health, safety and welfare of its citizens and visitors alike.

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

Section 1: That Chapter 58-34 of the Code of Ordinances is hereby amended as follows*:

Sec. 58-34. Unlawful disposal.

(f) No person or business shall store or dispose of refuse, rubbish, recyclable materials, or any manner of waste within a vehicle parked on the public right of way or in a public place, unless such person or business is permitted under subsection (a) in this section to dispose of or haul such waste and unless ~~so long as~~ such vehicle is being actively loaded for immediate hauling.

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.

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

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 special meeting held this _____ day of _____, 2010.

Read and passed on final reading at a special meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2010.

Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK