

ORDINANCE NO. 13-     

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA TO CALL FOR A BINDING REFERENDUM TO DETERMINE WHETHER THE CITY OF KEY WEST SHOULD REQUEST THAT THE ARMY CORPS OF ENGINEERS CONDUCT A COMPREHENSIVE FEASIBILITY STUDY, AT NO MONETARY COST TO THE CITY, TO DETERMINE THE ENVIRONMENTAL, ECONOMIC AND SOCIAL IMPACTS OF WIDENING THE KEY WEST MAIN SHIP CHANNEL FOR USE BY MODERN AND LONGER CRUISE SHIPS WHILE ALSO ADDRESSING NAVIGATIONAL SAFETY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR OCTOBER 1, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Army Corps of Engineers, Jacksonville District, completed a Reconnaissance Report in November of 2010 which resulted in the finding that a Federal interest in National Water Policy and economic development exists for navigation improvements to Key West Harbor; and

WHEREAS, the City Commission desires that a referendum appear on the regularly scheduled election ballot of October 1, 2013 that asks voters of the City of Key West whether the City should authorize a study to determine the feasibility of widening the Key West Main Ship Channel;

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

Section 1: That a binding referendum to determine whether the City of Key West shall request a feasibility study concerning the main ship channel shall be held on October 1, 2013.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Binding referendum to conduct study regarding feasibility of widening the main Key West ship channel."

Section 3: That the ballot question shall be worded as follows:

Shall the City of Key West request that the Army Corps of Engineers conduct a comprehensive feasibility study, at no monetary cost to the City, to determine the environmental, economic and social impacts of widening the Key West Main Ship Channel for use by modern and longer cruise ships while also addressing navigational safety?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Section 4: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of October 1, 2013, including the providing of notice of the election in accordance with law.

Section 5: 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 6: 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 7: 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 \_\_\_\_\_ 2013.

Read and passed on final reading at a regular meeting held this \_\_\_ day of \_\_\_\_\_ 2013.

Authenticated by the presiding officer and Clerk of the Commission on this \_\_\_ day of \_\_\_\_\_ 2013.

Filed with the Clerk \_\_\_\_\_, 2013.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK