

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "PARKING, STOPPING AND STANDING" BY AMENDING SECTION 70-116 TO PROHIBIT THE STORING OR DISPOSING OF CERTAIN MATERIALS IN VEHICLES OR TRAILERS, AND BY AMENDING SECTION 70-121 TO PROVIDE FOR REVISED AND ADDED PENALTIES FOR VIOLATIONS OF PROVISIONS OF CHAPTER 70; 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 recognizes a need to increase the penalty for prohibited parking within the city limits to reflect the added efforts of city staff and to encourage compliance; 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 Section 70-116 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-116. Prohibited parking.

(8) Storing or Disposing of refuse, rubbish, garbage, yard waste, or any type of waste or recyclable materials, as defined in chapter 58, within such vehicle or trailer unless the person or business involved is permitted to do so under section 58-34(a) of the City of Key West Code of Ordinances to haul such waste and unless such vehicle is being actively loaded for immediate hauling.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: That Section 70-121 of the Code of Ordinances is hereby amended as follows:

Sec. 70-121. Penalty for violation.

(a) Any person cited for violation of the parking, stopping and standing regulations set forth in this chapter who submits payment within ten days of the issuance of the citation shall be fined as follows:

(1) For violation of section 70-116, but not subsection 70-116(c)(3), 70-116(a)(3) or 70-116(a)(8) and sections 70-119, 70-156 and 70-159, \$20.00.

(2) For violation of section 70-118, other than unauthorized parking in handicapped parking spaces punishable as provided in section 70-122, and division 5 of this article, \$30.00.

(3) For violation of section 70-158, 70-116(a)(3) or 70-116(a)(8), ~~\$40.00~~ \$100.00

(4) For violation of section 70-116(c)(3) and division 2 of article IX of this chapter, \$50.00.

(b) The penalty for violation and failure to pay the penalty as provided in subsections (a)(1), (2), (3), and (4) of this section within ten days shall ~~be a fine of not more than \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment.~~ be a referral to the Code Compliance Special

Magistrate for a hearing and possible additional penalties in accordance with Florida Statutes Chapter 162.

~~(c) The penalty for violation and failure to pay the penalty as provided in subsection (a)(3) of this section within ten days shall be a fine of not more than \$1,000.00 or imprisonment for a term not exceeding one year or both such fine and imprisonment.~~

~~(d)~~ (c) The city commission may impose a surcharge on the fines set forth in this section in order to fund the school crossing guard program, in accordance with section 70-127.

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 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

| Sec. 70-116. - Prohibited parking.

- (a) No person shall park a vehicle upon any city street, alley or other public place for the purpose of:
- (1) Displaying a vehicle for sale.
 - (2) Greasing or repairing such vehicle, except repairs necessitated by an emergency.
 - (3) Displaying advertising.
 - (4) Selling merchandise from such vehicle, except in a duly established marketplace, or when so authorized or licensed under this Code or other city ordinances.
 - (5) Storage on the public right-of-way or in a public place for more than 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right-of-way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129.
 - (6) Double parking, double standing or double stopping, except to unload passengers or merchandise in designated loading areas.
 - (7) Parking against traffic.
- (b) No person shall stop, stand, or park a vehicle upon any city street or alley, except in compliance with law or the directions of a police officer or official traffic control device:
- (1) On a sidewalk.
 - (2) Within an intersection.
 - (3) On a crosswalk.
 - (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless a different length is indicated by signs or markings.
 - (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - (6) Upon any bridge.
 - (7) On a bicycle path.
 - (8) At any place where official traffic control devices prohibit parking.
- (c) No person shall stand or park a vehicle upon any city street or alley, whether occupied or not, except momentarily to pick up or discharge passengers:
- (1) In front of a public or private driveway.
 - (2) Within five feet of any entranceway, alleyway, public or private driveway, or designated loading area or zone.
 - (3) Within 15 feet of a fire hydrant.
 - (4) Within 20 feet of a crosswalk at an intersection; provided, however, that this subsection shall not apply to bike racks placed or allowed by the city within the 20-foot area.
 - (5) Within 30 feet of, and upon the approach to, any flashing signal, stop sign, or traffic control signal located at the side of the roadway.
 - (6) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when the property is so posted.
 - (7) On an exclusive bicycle lane.
 - (8) At any place where official traffic control devices prohibit standing or adjacent to any curbing painted yellow or red.

- (9) In any parking space designated for disabled or handicapped use only, without an approved handicap permit.
- (d) No commercially registered vehicle carrying or designed to carry passengers shall stop in any street, lane, or alley or loading zone when picking up or discharging passengers, unless duly licensed as a vehicle for hire pursuant to chapter 78 by the city, operating as a city franchisee pursuant to ordinance, or authorized by the city port and transit authority.

(Code 1986, § 63.08; Ord. No. 06-04, § 2, 3-7-2006)

| Sec. 70-121. - Penalty for violation.

- (a) Any person cited for violation of the parking, stopping and standing regulations set forth in this chapter who submits payment within ten days of the issuance of the citation shall be fined as follows:
 - (1) For violation of section 70-116, but not subsection 70-116(c)(3), and sections 70-119, 70-156 and 70-159, \$20.00.
 - (2) For violation of section 70-118, other than unauthorized parking in handicapped parking spaces punishable as provided in section 70-122, and division 5 of this article, \$30.00.
 - (3) For violation of section 70-158, \$40.00.
 - (4) For violation of section 70-116(c)(3) and division 2 of article IX of this chapter, \$50.00.
- (b) The penalty for violation and failure to pay the penalty as provided in subsections (a)(1), (2) and (4) of this section within ten days shall be a fine of not more than \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment.
- (c) The penalty for violation and failure to pay the penalty as provided in subsection (a)(3) of this section within ten days shall be a fine of not more than \$1,000.00 or imprisonment for a term not exceeding one year or both such fine and imprisonment.
- (d) The city commission may impose a surcharge on the fines set forth in this section in order to fund the school crossing guard program, in accordance with section 70-127.

(Code 1986, § 63.17; Ord. No. 03-01, § 1. 1-7-2003)