

ORDINANCE NO. 18-28

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-121 TO PROVIDE A PENALTY FOR VIOLATION OF SECTION 70-265; ADDING ARTICLE IV - "PARKING STOPPING AND STANDING," DIVISION 8, "NON-RESIDENT TRUMAN WATERFRONT PARKING PERMIT PROGRAM", BY ADDING SECTION 70-265, TO PROVIDE PERMIT HOLDERS THE RIGHT TO PARK IN THE CITY'S METERED PARKING LOTS LOCATED AT TRUMAN WATERFRONT FOR A PERIOD OF TIME NOT TO EXCEED FOUR HOURS PER DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the enactment of the "NON-RESIDENT TRUMAN WATERFRONT PARKING PERMIT PROGRAM" ordinance will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: 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 violations of sections 70-119, 70-156, 70-159, ~~and~~ 70-247, and 70-265, \$35.00.

(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, \$45.00.

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

Section 2: That a new section, titled DIVISION 8 "NON-RESIDENT TRUMAN WATERFRONT PARKING PERMIT PROGRAM" Section 70-265, is hereby added to the code of ordinances as follows\*:

**ARTICLE IV - "PARKING STOPPING AND STANDING," DIVISION 8, "NON-RESIDENT TRUMAN WATERFRONT PARKING PERMIT PROGRAM"**

**Sec. 70-265. Eligibility and Application.**

(1) (a) Monroe county residents whose driver's license reflects a home address located south of U.S. 1 Mile Marker ~~6~~ 11 and north of the city limits of the City of Key West shall be eligible for an annual Non-Resident Truman Waterfront Parking Permit. The annual fee for this permit shall be \$25.00. A county resident with outstanding unpaid City of Key West parking citations shall not be eligible for this program.

(b) All persons displaying a lawfully issued Non-Resident Truman Waterfront Parking Permit may park for a period of time not to exceed four (4) hours one time per day in the Truman Waterfront parking lot.

(c) The Permit issued hereunder shall not authorize any commercial use or parking in the Truman Waterfront Parking Lot including but not limited to deliveries and advertising.

(d) The City Manager may suspend this parking permit benefit at his or her discretion during special event periods or when otherwise required for City purposes.

(2) The penalty for violation of this division shall be as provided in section 70-121.

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.

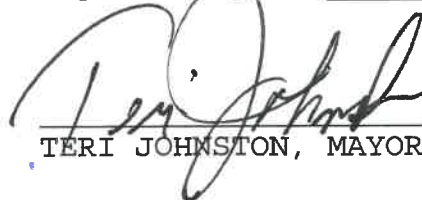
Read and passed on first reading at a regular meeting held this 7th day of November, 2018.

Read and passed on final reading at a regular meeting held this 20th day of November, 2018.

Authenticated by the presiding officer and Clerk of the Commission on 21st day of November, 2018.

Filed with the Clerk November 21, 2018.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
TERI JOHNSTON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

# EXECUTIVE SUMMARY



**TO:** Jim Scholl, City Manager

**FROM:** John Wilkins, Parking Director

**DATE:** November 13, 2018

**SUBJECT:** Addition of Section 70, Division 8 to create a Non-Resident parking pass for Truman Waterfront Park and modify section 70-121 to provide a penalty for violation.

## **Action statement:**

Modify the City of Key West Code of Ordinances with the addition of Section 70, Division 8 to create a Non-resident Truman Waterfront Park Parking Permit program. This would allow residents of Monroe County who reside outside of the City of Key West up to Mile Marker 6 to park up to 4 hours without paying at the meter, one time per day, at Truman Waterfront Park for an annual permit fee of \$25.00. Also modify Section 70-121 to provide a penalty for violation – same as overtime parking. Current citation fine would be \$35.00 per occurrence.

## **Background:**

The City of Key West Residential Parking permit has been modified to allow 4 hours parking, one time per day, at the Truman Waterfront Park for residential permit holders. City Commissioners have heard from Monroe County residents who are not eligible for a Resident Permit requesting they also be allowed to visit the park without paying the meter in a similar manner.

Commissioners have given direction to the City Manager to formulate a Truman Waterfront Park parking permit that would allow 4 hours parking, one time per day, for County Residents who reside outside of Key West and are not eligible for a Residential Permit without paying at the meter.

The creation of a Non-Resident Truman Waterfront Park parking program would allow Monroe County residents whose driver's licenses indicates they reside outside of the City of Key West up to Mile Marker 11 to apply for an annual Truman Waterfront Park parking pass for \$25.00. The permit would allow them to park in the metered parking lots at Truman Waterfront Park for up to 4-hour, one time per day, without paying the meter. Commercial use of this permit is not permitted.

## **Recommendation:**

Add Section 70, Division 8 to create the Non-Resident Truman Waterfront Park parking program allowing 4 hours, one time per day, parking to eligible Monroe County Residents without paying at the meter.

## **Financial Impact:**

The financial impact to the City is limited. Only when a paying customer is unable to locate a parking space because it is occupied by a Permit holder is there a loss of visitor revenue. Metered parking revenue from Non-resident permit holders who visit the park is also unrealized.