

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES ENTITLED "WATERWAYS" BY ADDING SECTION 82-2, "ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL" TO PROVIDE FOR VOTING REQUIREMENTS IN ORDER TO TAKE ANY ACTION WHICH WOULD RESULT IN THE WIDENING, DEEPENING OR OTHER ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, after extensive public debate and discussions, a binding referendum was placed on the October 1, 2013 city-wide municipal election ballot, to determine public opinion on the subject of a channel-widening study for the Key West Main Ship Channel; and

WHEREAS, an overwhelming majority of voters determined that a channel-widening study should not be conducted; and

WHEREAS, the citizens of Key West opposed by a margin of 74.53% to 24.47% the question: "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?"; and

WHEREAS, the City Commission desires to codify the intent expressed by Key West's electorate.

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

Section 1: That Section 82-2 is hereby added to the Code of Ordinances as follows*:

Sec. 82-2 -- Alteration Of Key West's Main Ship Channel

(a) Unless approved by a super majority vote of the City Commission, the City Commission, its Boards, Committees, Agencies, authorized representatives or employees in the course of their duties, shall not take any action individually or in cooperation with any person or entity which could result in the widening, deepening or other alteration of Key West's main ship channel. Any such super majority vote may only occur after notice by publication at least twenty-one (21) days in advance of the meeting at which the vote is to take place.

(b) This ordinance may only be amended, rescinded or otherwise altered by a super majority vote of the City Commission.

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

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.

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 regular meeting held this _____ day of _____, 2014.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2014.

Filed with the Clerk _____, 2014.

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