

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES, ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-31, TO ALLOW CODE COMPLIANCE TO ISSUE A NOTICE OF CODE VIOLATION, TO AMEND AUTHORIZATION FOR PLANTINGS FROM THE TREE COMMISSION TO THE URBAN FORESTRY MANAGER, PURSUANT TO CITY CODE SECTION 2-944, TO PROVIDE THAT PLANTINGS SHALL NOT OBSTRUCT PARKING OF MOTOR VEHICLES ON THE CITY RIGHT OF WAY, AND TO AMEND PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend Section 62-31 of the Code of ordinances, to authorize code compliance to enforce provisions related primarily to property or land conditions, and to provide for civil penalties; and

WHEREAS, an amendment to section 62-31 of the Code of Ordinances 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 62-31 of the Code of Ordinances is hereby amended as follows*:

Sec. 62-31. - Maintenance of area between property line and adjacent paved roadway.

It shall be the duty of owners and occupants of property to keep clean the area between their property line and the nearest adjacent paved roadway, including both the swale and sidewalk. This area shall be kept clean and free of weeds, trash, debris and other such obstructions, including garbage cans except as provided in section 58-31. Any planting in such area must be authorized by the city engineer and ~~tree commission~~ the city urban forestry manager pursuant to Sec. 2-944 and thereafter maintained in such a way as to allow clear passage for pedestrians and shall not obstruct the parking of motor vehicles on the City's right of way. ~~Any owner or occupant who, after code enforcement notice, fails to comply with this section shall, upon conviction, be punished as provided in section 1-15.~~ Violations of this section shall be punishable pursuant to the code enforcement authority of the special magistrate in sections 2-633 and 2-634.

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

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 _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK