

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, ADDING CHAPTER 80 OF THE CODE OF ORDINANCES, ENTITLED "CRUISE SHIP REGULATIONS" BY ADDING SECTION 80-1 DEFINITIONS, SECTION 80-2 PROHIBITING POLLUTION OF WATER, ESTABLISHING FEES RELATED TO THE FAILURE TO CLEANUP WATER POLLUTION, SECTION 80-3 ESTABLISHING A CORAL REEF RESTORATION PROGRAM AND FUND AND ESTABLISHING A MECHANISM FOR THE FUNDING OF RESTORATION FUND AND ESTABLISHING A WATER QUALITY TESTING PROGRAM AND A MECHANISM FOR THE FUNDING OF SUCH PROGRAM ; SECTION 80-4 PASSENGER HEALTHCARE SERVICES; SECTION 80-5 PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West is an island with a delicate surrounding environment, including coral reefs and a tourist economy which depends upon a safe and clean environment, especially our near shore waters; and

WHEREAS, the City Commission finds substantial evidence that unregulated cruise ship operations impact the public safety health and welfare of the citizens of Key West; and

WHEREAS, the City of Key West, seeking to mitigate

harm to the environment and coral reefs and to support the highest standards of environmental compliance and health safety, desires to regulate cruise vessels within the legal boundaries of the City of Key West; and

WHEREAS, the City Commission finds that, in the instance of disease outbreak, the volume of cruise ship passengers intending to utilize the City of Key West's medical services would overwhelm the City of Key West's medical infrastructure; and

WHEREAS, the City of Key West finds that this Ordinance establishing rules and regulations for cruise vessels docking at the City of Key West will promote the health, safety and welfare of the citizens and visitors of the City of Key West and does not restrict maritime commerce.

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

Section 1: That Chapter 80 is hereby added to the Code of Ordinances as follows*:

CHAPTER 80 -- City of Key West Cruise Ship

Regulations.

*(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.)

Sec. 80-1. Definitions.

As used herein, the following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

"Vessel" shall mean a cruise ship holding more than five hundred (500) passengers and such cruise ship's owner(s).

"Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, releasing, emptying or dumping.

"Pollutant" shall mean ballast, dunnage, untreated sewage, garbage, gaseous liquid or solid matter, oil, gasoline, residuum of gas, calcium, carbide, trade waste, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment or obstruction on the bottom of the waterways, or odors or gases of putrefaction.

"Waterways of City of Key West" shall mean the water six

hundred (600) feet into the tidal waters adjacent to the City of Key West's corporate limits.

Sec. 80-2. Pollution of water.

(1) It shall be unlawful for any Vessel to deposit, place or Discharge any Pollutant into the waterways of the City of Key West.

(2) Vessels docking at the City of Key West shall at all times be in full compliance with all applicable state, federal and international safety, health and environmental protection statutes, regulations, standards and requirements, including, but not limited to, the Oil Pollution Act of 1990, the International Convention for Safety of Life at Sea, the International Convention for Prevention of Pollution from Ships, and shall have a valid Certificate of Inspection. In the event of a Vessel Pollutant Discharge into the waterways of the City of Key West, the Vessel responsible for the Discharge shall take immediate action to clean up the Discharge. Cleanup is to be accomplished in the shortest time possible, using industry approved methods, so as to limit in every way possible, damage to the environment. In any instance where it is determined by the City of Key West that cleanup

efforts are not being undertaken in a timely and/or adequate manner by the responsible Vessel, the City of Key West may order resources, as necessary, to commence and complete the Pollutant Discharge cleanup. In such cases, the actual cost of the cleanup plus an administrative fee of 15% of the actual cost of cleanup will be charged to the responsible Vessel.

(3) Full payment of the cleanup costs, including administrative fee, must be paid by Vessel before the Vessel will be permitted to sail from the City of Key West. In instances where a Vessel is prohibited from sailing due to failure to pay actual cleanup costs and administrative fee as prescribed by this section, an additional one thousand (\$1,000) dollar per-day Pollutant Discharge cleanup management fee will assessed until such time as Vessel sails from the City of Key West.

(4) In the event any oil or hazardous substance is Discharged or released into or upon the waterway of the City of Key West, in a harmful or reportable quantity, the responsible Vessel shall immediately notify all appropriate state agencies and the National Response Notification Center.

Sec. 80-3. Coral Reef Restoration; Water Quality

Testing.

The City of Key West shall establish a fund for the

express purpose to restore and maintain coral reefs adjacent to the City of Key West. The City of Key West shall engage reef restoration experts, to be identified by resolution of the City of Key West annually, to restore and maintain such reefs.

The City of Key West shall also establish a water quality testing fund for the testing of water quality in the Waterways of the City of Key West via a Not-For-Profit, or governmental entity to be identified by resolution annually.

Revenue for Coral reef restoration and maintenance fund and Water Quality testing fund shall be derived from the administrative fee established in Section 80-2 herein, the cruise ship passenger Disembarkment Fee revenue share paid to the City of Key West, and any donation made to the funds. Allocation of funds to the respective programs shall be made annually via resolution of the City Commission.

Sec. 80-4. - Passenger healthcare services.

Vessels shall use best efforts to utilize on-board healthcare services regarding the medical needs of its passengers, with the exception of life-threatening emergencies. Vessels shall transport any passenger-patient

with COVID-19, or other confirmed or suspected highly transmissible illness, requiring medical service using an isolated emergency transportation method to a treatment facility outside of the City of Key West.

Sec. 80-5. -Enforcement.

The City of Key West shall coordinate with state and federal agencies to ensure that Vessel operations conform to all applicable laws.

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 _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK