

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT," DIVISION 3 ENTITLED "NOISE CONTROL" BY AMENDING SECTION 6-86 TO AMEND THE PERMIT APPLICATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 14-____, regulations regarding Unreasonably Excessive Noise were amended, affecting the requirements for a temporary waiver of noise control regulations for special events; and

WHEREAS, the City of Key West finds that an amendment to the special events noise control regulations 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 6-86 of the Code of Ordinances is hereby added/amended as follows*:

Sec. 6-86. Permit.

(a) An application for a special event permit to depart from the requirements of sections 26-192 and 26-194 may be made to the city commission at least 30 days before the scheduled event. No permit under this division may be granted for a special event whose duration is more than two consecutive days, unless specifically exempted by the city commission. An application for a permit under this division shall not be made for a special event within 60 days of another special event at one location. The application shall be submitted in accordance with the "Temporary Waiver" requirements of Key West Code of Ordinances section 26-199. ~~— shall be submitted in accordance with section shall be accompanied by a processing fee in the amount of \$50.00 and an additional fee as set forth in subsection (b)(3) of this section.~~

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

~~(b) Any permit granted by the city commission shall contain all conditions upon which the permit has been granted and shall specify a reasonable time period in which the permit shall be effective. During the special event, the sponsor shall make a good faith effort to monitor and limit the impact of the noise on the surrounding neighborhood and to respond to complaints. No business or location shall receive more than five special event permits per year, except as provided by lease of the community redevelopment agency at the Key West Bight. The following criteria apply:~~

~~(1) The city commission shall grant the special event permit with conditions limiting the duration of the noise and specifying times for the special event. An application may be denied if the city commission finds that the special event will result in a private or public nuisance on any adjoining or receiving property. A permit may not be denied on the basis of the content of the proposed sound.~~

~~(2) In establishing permit conditions for a particular time and location under subsection (b)(1) of this section, the city commission shall consider the location of the special event, the compatibility of the noise levels generated, and the compatibility of the hours of operation with surrounding residential areas.~~

~~(3) Notice of the city commission's proposed action on an application for a special event permit shall be mailed prior to the meeting at which the matter is to be considered to all property owners and occupants of property located within a 100-foot radius of the proposed special event. Notice of such proposed action also shall be published in a newspaper of general circulation in the city at least five days prior to the date of the city commission decision. The notice shall identify a contact person and phone number for complaints. The applicant shall pay for the newspaper advertisement.~~

Section 4: 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 5: 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 6: 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