

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26, OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING SECTION 26-96 "DEFINITIONS" TO INCLUDE THE UPLAND AREAS OF REST BEACH, AIDS MEMORIAL PARK AND WHITE STREET PIER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously amended chapter 26 entitled Environment to create the park rules ordinance in 2011; and

WHEREAS, the City Commission for the City of Key West created Sec. 26-101 wherein rules for said parks could be changed via Resolution, however, the area known as Rest Beach, The AIDS Memorial Park, and White Street Pier was not included as a defined park, rather it is currently considered a beach and the pier is not considered at all; and

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

Section 1: That Section 26-96 of the Code of Ordinances is hereby amended as follows*:

Sec. 26-96. - Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing more than one-half (0.5) percent alcohol or more by weight.

Open container means any receptacle or container immediately capable of being consumed from by a person or which has been opened or a seal broken or the contents of which have been partially removed.

Public park means Indigenous Park, Cozumel Park, Bill Butler Park, Little Hamaca Park, Nelson English Park, Bay view Park, Mallory Square, Mallory Dock, Wickers Field, Clayton Sterling Fields, that portion of Peary Court leased by the city, White Street Pier, the AIDS Memorial park, the upland area of Rest Beach from the mean high tide waterline to the curb of Atlantic Boulevard, and the community pool, the area commonly known as the Truman Waterfront owned by the City of Key West, and all designated city pocket parks.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ for first reading; Added language is double underlined; deleted language is ~~double struck through~~ for 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 _____, 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