



THE CITY OF KEY WEST

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To: The City Commission for The City of Key West
From: Ron Ramsingh, Chief Assistant City Attorney
Date: June 5, 2019
RE: Proposed new ordinance banning Mobile Billboards
Sponsors: Commissioner Jimmy Weekley
Meeting date: June 18, 2019

EXECUTIVE SUMMARY

Proposed Action: To create a new ordinance that bans Mobile Billboards within the city of Key West and surrounding waters

Background: Earlier this year, a truck began roving the streets of Key West on a set route while displaying three large, L.E.D. electronic billboards on the 2 sides and one on the rear of the vehicle. The billboards display advertisements for various businesses in Key West that are not owned by the company who operated the advertising truck. The city filed code violations against the owner of the advertising company alleging violations of certain sign regulations including; improper portable signs, off-premise canvassing signs, and animated signs. Since those regulations exist in the land development regulations, the code compliance special magistrate ruled in the Respondent's favor at the April 2019 code compliance hearing. This ordinance was created to directly address the issue of mobile billboards that are solely operated as a business to advertise for other businesses. The City of Honolulu also enacted such an ordinance, as well as the City of West Hollywood in California. West Hollywood's ordinance was challenged on constitutional grounds and

survived challenge in *Showing Animals Respect and Kindness v. City of West Hollywood* 166 Cal.App.4th 815 (2008). This ordinance is modeled after that ordinance, except that I included water-based mobile billboards in a proactive measure. The City of Miami Beach has been battling water-based mobile billboards recently and the City of Key West received an inquiry into establishing a water-based mobile billboard business in the last few years. This new ordinance provides for a warning for the 1st offence, and prosecution in county court for subsequent violations. Violations must be issued by KWPD since it involves performing a traffic stop of a vehicle. There are specific exceptions in this proposed ordinance for taxicabs, busses, and vehicles that are owned by the businesses that display the advertisement. For example, a Fed Ex truck, Budweiser truck, pizza delivery vehicles. All of those vehicles' primary purpose is to deliver a product; not to display advertising. Such vehicles would be exempt as incidental to the primary purpose of the vehicle's operation.

Options:

1. To defeat this proposed ordinance. Vehicle-based electronic mobile billboard trucks will continue to travel the busiest streets in Key West and there will be no impediment to water-based mobile billboards
2. To pass this proposed ordinance thereby eliminating the mobile billboards in Key West, and prevent them from expanding operations to the waters surrounding Key West.

Recommendation: To pass the proposed ordinance.