

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 18 OF THE CODE
OF ORDINANCES, ENTITLED "BUSINESSES" BY
AMENDING SECTION 18-359, TO AMEND THE
CHAPTER TO ADD ADDITIONAL SAFETY
REGULATIONS AND DECAL IDENTIFICATION FOR
GOLF CARTS AND SIMILAR VEHICLES;
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 its Code of Ordinances, specifically section 18-359; and

WHEREAS, F.S. 316.614 makes it unlawful to operate a motor vehicle or an autocyple in this state unless each passenger and the operator of the vehicle or autocyple under the age of 18 years are restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; and

WHEREAS, F.S. 316.614 also makes it unlawful for any person 18 years of age or older to be a passenger in the front seat of a motor vehicle or an autocyple unless such person is restrained by a safety belt when the vehicle or autocyple is in motion;

WHEREAS, the City finds that the use of these vehicles,

specifically golf carts/low speed vehicles, on streets and roads may create a potential hazard due to the heavy use of such public areas by pedestrians and vehicles and there have been multiple incidents where operators and passengers have not adhered to the law; and

WHEREAS, the City Commission wishes to remind visitors of the above-referenced Florida law when they rent or utilize these vehicles;

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose, it is a permissible exercise of the City's powers and authority, and benefits the public health, safety, and welfare of the citizens, residents and guests of the City of Key West; and

WHEREAS, an amendment to section 18-359 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 18-359 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-359. - Identification by decal.

(c) Within 30 days of the effective date of this ordinance, the city shall provide to each licensee of each recreational rental vehicle establishment which operates golf carts/low speed vehicles or the equivalent for use on city streets, a vehicle identification decal for each of the vehicles licensed to the licensed site. Said licensees will be required to have their rentals display the stickers within 60 days of the effective date of this ordinance. Said decals will be of a different color than the decals identified in sub-section (a) and shall state the following:

Pursuant to F.S. 316.614, the operator of this vehicle and passengers 18 years of age or older in the front seat must be restrained by a safety belt. Pursuant to F.S. 316.613, all passengers under the age of 18 years, regardless of where they sit, must be restrained by a safety belt or by a child restraint device.

*(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.)

During their yearly inspections, city code compliance staff shall inspect each licensed site, to establish that the decals are permanently and properly affixed to the specific vehicle corresponding to the vehicle identification number and/or registration number registered to that site or sites when a business licensee operates from multiple sites.

Section 2: That Section 18-383 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-383. - Notice issued to customer.

Every person in the business of renting recreational rental vehicles shall issue each customer a written notice. The notice shall be filled out in duplicate with the customer carrying the notice at all times while operating the recreational rental vehicle, and the business maintaining a copy for at least 60 days after the completion of the rental. The notice may be included in a copy of the rental contract and/or rental agreement or may constitute a separate document. The notice may be provided by electronic means if the customer consents. If the notice is contained in the contract, it shall be legible and published in bold print.

The notice shall include the following information:

(1) The renter has received instruction and training in accordance with the requirements of this article along with notification that:

a. Pursuant to F.S. 316.614, the operator of this vehicle and passengers 18 years of age or older in the front seat must be restrained by a safety belt; and

b. Pursuant to F.S. 316.613, all passengers under the age of 18 years, regardless of where they sit, must be restrained by a safety belt or by a child restraint device.

[...]

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