

OFFICE OF THE CITY ATTORNEY
Ronald J. Ramsingh, City Attorney
Eric Nordback, Assistant City Attorney
Nicholas Trovato, Assistant City Attorney
Amanda Willett, Paralegal
Claire Hurd, Legal Assistant



PHONE: (305) 809-3770
FAX: (305) 809-3771
EMAIL: cityattorney@cityofkeywest-fl.gov

THE CITY OF KEY WEST

1300 WHITE STREET
KEY WEST, FLORIDA 33040

September 14, 2023

To: Mayor and City Commissioners
From: Ronald Ramsingh, City Attorney
RE: Amendment to Sec. 78-233
Sponsor: Commissioner Jimmy Weekley

Background:

There are 2 categories of sightseeing vehicles defined in your code of ordinances; those issued by franchise agreement under Article V of Ch. 78 and those pursuant to a business license under Article IV of Ch. 78. Since 1986, the number of sightseeing vehicles authorized to operate under a business license in the city has been limited to 7. This proposal seeks to amend that amount to 8.

Sec. 78-1 Definitions:

Sightseeing motor vehicles operated pursuant to business license means and includes every motor vehicle designed primarily for the purpose of carrying passengers for sightseeing for hire, operated on a scheduled route, and operated pursuant to article IV of this chapter.

Sightseeing motor vehicles operated pursuant to franchise means and includes every motor vehicle designed primarily for the purpose of carrying passengers for sightseeing for hire or shuttle transportation, including vehicles operated for amphibious tours, and operating under a franchise ordinance granted by the city pursuant to article V of this chapter.

This proposed amendment seeks to amend the sightseeing motor vehicles pursuant to business license by increasing the amount from 7 to 8. The one additional vehicle must be propelled by electric power and not require a Commercial Drivers' License (CDL) to operate.

If more than 1 application for the additional license is received, a random drawing must be conducted to determine the award of the additional licenses.

The proposed amendment also allows for an application window of 5 business days after the effective date of the ordinance amendment.

The one new license can be transferred, provided however said transfer is approved by the city commission and a fee of ten percent (10%) of the sale of the assets, goodwill, vehicle and value of the license is paid to the City of Key West.

Options:

1. To approve the proposed ordinance amendments. Sightseeing vehicles that are operated pursuant to a business license will increase from 7 to 8. The additional licenses shall be for 100% electric, non-CDL vehicles. Transferability must be approved by the city commission with a fee of 10% of the sale or transfer including all assets, goodwill, vehicle(s) and value of the license.
2. To deny the proposed ordinance revisions. The status quo of sightseeing vehicles will remain.

Recommendation:

The City Attorney makes no recommendation on this item.