

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-116 ENTITLED "PARKING, STOPPING AND STANDING" BY CREATING A PERMIT SYSTEM FOR PARKING A VESSEL OR RECREATIONAL VEHICLE ON THE CITY RIGHT OF WAY IN THE SINGLE FAMILY ZONING DISTRICT; AMENDING SECTION 70-462 ENTITLED "PROHIBITION" BY INCLUDING TRAILERED VESSELS; AMENDING SECTION 70-464 ENTITLED "EXCEPTIONS TO THE PROHIBITION CONTAINED IN SECTION 70-462" BY INCLUDING RECREATIONAL VEHICLES AND TRAILERED VESSELS WITH A VALID RESIDENT OWNER PERMIT; AMENDING SECTION 70-467 ENTITLED "RESIDENT OWNER PERMITS" INCLUDING A PERMIT FEE AND CONDITIONS FOR TRAILERED VESSELS AND RECREATIONAL VEHICLES PARKED ON THE CITY'S RIGHTS-OF-WAY; AMENDING SECTION 70-468 ENTITLED "CITATION OF VIOLATOR; REMOVAL OF VEHICLE" INCLUDING PROVISIONS FOR SUSPENSION OR REVOKATION OF PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that the unregulated parking of trailered vessels and recreational vehicles in the City of Key West presents a considerable safety issue concerning proper line of sight for vehicles and pedestrians travelling on city streets and sidewalks; and

WHEREAS, the City of Key West finds that the unregulated parking of trailered vessels and recreational vehicles on city streets in the City of Key West occupies otherwise valuable off-

street parking spaces to the residents and visitors of the City of Key West; and

WHEREAS, the City Commission for the City of Key West finds that the rights of way in the single family zoning district are logistically better suited and safer to accommodate the existence of trailered vessels and recreational vehicles, combined with a much higher demand; and

WHEREAS, the City Commission for the City of Key West finds that the establishment of a regulated parking permit system to allow for trailered vessels and recreational vehicles to be parked on off-street parking spaces in the single family zoning district will promote the safety and welfare of the residents and visitors of the City of Key West;

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

Section 1: That Section 70-116 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-116. - Prohibited parking.

(a) No person shall park a vehicle upon any city street, alley or other public place for the purpose of:

(1) Displaying a vehicle for sale.

(2) Greasing or repairing such vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising.

(4) Selling merchandise from such vehicle, except in a duly established marketplace, or when so authorized or licensed under this Code or other city ordinances.

(5) Storage on the public right-of-way or in a public place for more than 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right-of-way or in a public place for any length of time without valid resident owner permit as provided for in Section 70-467, and its owner is subject immediately to the storage fee of section 70-129.

(6) Double parking, double standing or double stopping, except to unload passengers or merchandise in designated loading areas.

*(Coding: Added language for 1st reading is underlined, for 2nd reading is double underlined; deleted language for 1st reading is ~~struck through~~, for 2nd reading is ~~double stricken through~~.)

(7) Parking against traffic.

(8) Storing or disposing of refuse, rubbish, garbage, yard waste, or any type of waste or recyclable materials, as defined in chapter 58, within such vehicle or trailer unless the person or business involved is permitted to do so under section 58-34(a) of the City of Key West Code of Ordinances to haul such waste and unless such vehicle is being actively loaded for immediate hauling.

(b) No person shall stop, stand, or park a vehicle upon any city street or alley, except in compliance with law or the directions of a police officer or official traffic control device:

(1) On a sidewalk.

(2) Within an intersection.

(3) On a crosswalk.

(4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless a different length is indicated by signs or markings.

(5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would

obstruct traffic.

(6) Upon any bridge.

(7) On a bicycle path.

(8) At any place where official traffic control devices prohibit parking.

(c) No person shall stand or park a vehicle upon any city street or alley, whether occupied or not, except momentarily to pick up or discharge passengers:

(1) In front of a public or private driveway.

(2) Within five feet of any entranceway, alleyway, public or private driveway, or designated loading area or zone.

(3) Within 15 feet of a fire hydrant.

(4) Within 20 feet of a crosswalk at an intersection; provided, however, that this subsection shall not apply to bike racks placed or allowed by the city within the 20-foot area.

(5) Within 30 feet of, and upon the approach to, any flashing signal, stop sign, or traffic control signal located at the side of the roadway.

(6) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when

the property is so posted.

(7) On an exclusive bicycle lane.

(8) At any place where official traffic control devices prohibit standing or adjacent to any curbing painted yellow or red.

(9) In any parking space designated for disabled or handicapped use only, without an approved handicap permit.

(d) No commercially registered vehicle carrying or designed to carry passengers shall stop in any street, lane, or alley or loading zone when picking up or discharging passengers, unless duly licensed as a vehicle for hire pursuant to chapter 78 by the city, operating as a city franchisee pursuant to ordinance, or authorized by the city port and transit authority.

Section 2: That Section 70-462 of the Code of Ordinances is hereby amended as follows*:

Section 70-462 Prohibition:

Except as provided in this article, it shall be unlawful and a violation for any person to park, cause to be parked, allow to be parked, or to cause or to allow to remain standing or stationary, except in the normal course of

traffic flow, any recreational vehicle, or trailered vessel, or any combination of a recreational vehicle and a motor vehicle in excess of 20 feet in length or seven feet in width, exclusive of mirrors and other safety devices determined by the department of highway safety and motor vehicles to be necessary for the safe and efficient operation of such vehicles, whether occupied or not and whether attended or unattended, except for the purpose of loading or unloading passengers or property and unless actual loading or unloading of passengers or property is taking place, on any street over which the city exercises parking jurisdiction.

Section 3: That Section 70-464 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-464. - Exceptions to prohibition contained in section 70-462—Generally.

(a) The prohibition contained in section 70-462 does not extend to or include the following:

(1) Vehicles, trailers, or motor homes which may park on city streets occasionally and for limited periods of time while engaged in public or community service activities,

such as library bookmobiles, mobile blood donor stations, mobile health care centers, military recruiting units, and similar vehicles;

(2) Commercial vehicles;

(3) Motor homes, trailers or house trailers used as on-site bona fide field offices or construction offices or construction offices in connection with ongoing permitted construction projects within the city; or

(4) Pickup trucks upon which there are attached caps providing for the storage and transportation of tools, equipment, and other similar material.

(5) Trailered Vessels or Recreational Vehicles with a valid Resident Owner Permit pursuant to Section 70-467.

(b) Permits to allow parking for a specific number of days may be issued by the city manager in his discretion.

Section 4: That Section 70-467 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-467. - Resident owner permits, conditions and fee.

(a) Owners of recreational vehicles and trailered vessels who are city residents by proof of a valid Florida Driver's License or Florida Identification Card may apply

to the city manager or designee on forms approved and distributed by the city parking manager, for annual parking permits allowing them to park their recreational vehicles or trailered vessels in front of their at their residences on the city streets. There shall be no a \$500.00 fee for such permits; however, and the permits shall be renewed each year and shall not be transferable.

(b) A Resident Owner Permit issued under this section is not intended to grant exclusive parking rights on the city right of way in front of any particular residence. However, all reasonable efforts shall be made by the permit holder to park the recreational vehicle or trailered vessel within a lawful parking place directly in front of the permit holder's residence. If the parking space is otherwise occupied upon return, the permit holder must store the recreational vehicle or trailered vessel off of the city right of way until a lawful parking place directly in front of the permit holder's residence is vacated. Permit holders must abide by all other applicable state and local parking regulations. The City reserves the right to terminate or suspend a permit consistent with Section 70-468.

(c) The following permit restrictions and conditions apply:

(1) Limited to the Single Family (SF) Zoning District.

(2) Limited to streets measuring 30 feet wide, curb to curb or greater and allows for otherwise legal on-street parking.

(3) Residents with no parking on their side of the street must obtain a letter of non-objection from the owner of the residence directly across the street from the applicant's residence that the recreational vehicle or trailered vessel will be obscuring.

(4) Renters or lease holders must provide a letter of non-objection from the property owner.

(5) Trailered vessels or recreational vehicles must not exceed 32 feet length and 8 feet width at the widest and longest measurements including trailer and engine.

(6) Trailered vessels must be stored on a trailer on the city right of way.

(7) Vessels and trailer or recreational vehicles must be maintained in working order.

(8) Trailered vessels or recreational vehicles must be removed with official notice from the City pursuant to Section 70-468.

(9) Only one trailered vessel or recreational vehicle owner's permit issued per Single Family Lot; irrespective of how many tenants or post office addresses exist on any one particular lot. In the case of multiple, otherwise qualified requests, they will be taken on a first come-first served basis.

Section 5: That Section 70-468 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-468. - Citation of violator; removal of recreational vehicle or trailered vessel.

(a) Whenever any police officer or other authorized law enforcement officer ~~finds~~ cites a recreational vehicle or trailered vessel for standing, stationary, or parked upon a street within the city in violation of this article, without a lawfully issued Resident Owner Permit, such officer shall issue a parking citation to the driver or owner as the alleged violator. If such vehicle is unattended, the parking citation may be attached to the vehicle in a conspicuous place. The officer is further authorized to immediately move the vehicle or cause the vehicle to be moved or to require the owner, driver or

person in charge of the vehicle to move the vehicle.

(b) If a violation is found to exist by any law enforcement or code compliance officer for the City of Key West, by a permit holder, a citation shall be issued pursuant to subsection (a) herein, and the permit holder shall be issued a notice of hearing to appear before the City Manager to determine if the permit should be suspended or revoked. If a second violation within this section is found, the permit shall be revoked for a period of one year for that vessel or recreational vehicle by the city manager.

Section 6: 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 7: 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 8: 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 _____, 2012.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK