

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES, ENTITLED "VEHICLES FOR HIRE" BY AMENDING SECTION 78-64, TO AMEND THE NUMBER OF INDEPENDENT PASSENGER VEHICLE FOR HIRE LICENSES THAT THE CITY MAY ISSUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City Code Section 78-62 requires the City of Key West to hold a public hearing in even numbered years to determine if it is in the public interest to issue additional passenger vehicle for hire license; and

WHEREAS, the City Commission held a public hearing at its regular meeting of October 19, 2022, and directed City staff to bring forward an ordinance addressing passenger vehicle for hire license caps; and

WHEREAS, an amendment to section 78-64 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 78-64 of the Code of Ordinances is hereby amended as follows*:

**Sec. 78-64. - Independent passenger vehicle
for hire licenses.**

(a) There shall be a maximum of ~~eight~~ sixteen independent passenger vehicle for hire licenses. No license holder shall hold more than one non-transferable independent passenger vehicle for hire license issued for the operation of one passenger vehicle for hire per license holder. No license holder of a license pursuant to Sec. 78-62 may be issued a license pursuant to this section. ~~This total of eight licenses shall mean three independent licenses in effect on September 30, 1984, and an additional five independent licenses created in 1992.~~ These ~~eight~~ sixteen licenses are the only independent licenses authorized for independent passenger vehicle for hire vehicles to operate in the city.

(b) Any additional Independent passenger vehicle for hire vehicle licenses that are issued by the City Commission

*(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.)

shall be issued in a random drawing, held by the city clerk, from applications received by the city manager within five business days of the effective date of any ordinance increasing the amount of licenses described herein. ~~On or before 15 working days after occurrence of a vacancy among existing licenses through failure to renew or revocation. Such drawing shall be held by a procedure approved by the city manager. They~~

(b) Independent passenger vehicle for hire licenses shall be issued only to individuals and not to corporations, partnerships, or other business entities unless ~~previously issued to~~ currently held by a corporation, partnership, or other business entity. ~~To be eligible for the drawing, a~~ Any individual must demonstrate at least five years' experience in the vehicle for hire industry as an owner, driver, or dispatcher prior to license issuance. License holders must demonstrate continuous residency from Key West to mile marker 10 for one year prior to the application date and for renewals via utility bills or a lease. ~~Existing~~ License holders shall have the right to and must renew by ~~September 30~~ July 30th of every year by complying in full with each provision of section 78-128, and by providing to the city ~~manager~~ licensing official a signed document stating that the licensee has

complied with sections 78-128 and 78-129 and other applicable sections of this Code while operating under the license being renewed. Licensees who cannot comply with sections 78-128 and 78-129 and other applicable sections may receive a renewed license subject to the regulatory penalties provided in section 78-32. Only one non-transferable license shall be issued to each successful applicant. ~~Licenses may be transferred under the following conditions: (1) Those three licensees who hold licenses which were effective on September 30, 1984, may hold more than one passenger vehicle for hire vehicle license only if they purchase the additional license from one of the other two of the licensees. (2) In no other case will transfer be allowed where it would result in the transferee's holding more than one license. All eight independent passenger vehicle for hire license holders may have more than one driver.~~

(c) Any independent passenger vehicle for hire vehicle license which lapses, through nonrenewal or revocation, shall be declared void. Upon a showing by the applicant of compliance with all prerequisites contained in this chapter for license issuance, such license shall be reissued to the person whose name is drawn in a random drawing held as described in subsection (b) of this section. If this person

does not meet the licensing requirements within 30 days of the drawing, the city clerk shall again conduct a random drawing from the remaining applicants.

(d) Each independent passenger vehicle for hire vehicle license holder shall apply to the city manager for a passenger vehicle for hire license for his or her vehicle.

(e) Independent passenger vehicle for hire vehicle license holders shall be subject to the requirements contained in sections 78-31, 78-32, 78-61 through 78-63, division 3 of this article, sections 78-126 through 78-129 and 78-131 and division 5 of this article, with the exception of sections 78-128(a)(5) and (6) and 78-129(a)(4) and (13).

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 _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK