

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-4 ENTITLED "NO CAMPING" TO INCLUDE RECREATIONAL AND MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West provides adequate shelter for homeless individuals, and;

WHEREAS, passenger vehicles that are not designed for overnight accommodations and recreational vehicles so designed that are in areas not appropriately zoned for recreational overnight vehicles pose a health and safety concern to its occupants, residents and the environment when used for that purpose, and;

WHEREAS, Tourism is the primary industry for the City of Key West and the act of using passenger vehicles as overnight accommodations and unlawful camping in environmentally sensitive areas has a significant negative impact that creates an adverse effect on tourism and the environment, and;

WHEREAS, is not the intent of the City Commission for the City of Key West to criminalize otherwise excusable activity such as camping in a vehicle to prevent an individual from avoiding committing an unrelated criminal offense such as DUI.

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

Section 1: That section 62-4 of the Code of Ordinances
is hereby amended as follows*:

Sec. 62-4- No Camping.

(a) Definitions

(1) Camp or Camping means to pitch or occupy a tent or
other temporary shelter including parked motor
vehicles and recreational vehicles for sleeping or
other habitation purposes.

(2) Camp Facilities means tarpaulins, costs, beds,
sleeping bags, boxes or cartons, hammocks, make-shift
shelters, cardboard, and portable stoves or other
cooking paraphernalia.

(3) Motor Vehicle means any self-propelled vehicle not
operated upon rails or guideway, but not including any
bicycle, motorized scooter, electric personal
assistive mobility device, or moped.

*(Coding: Added language is underlined; deleted
language is ~~struck through~~.)

~~(3)~~(4) Public place means the definition provided in Section 1-2 of the Code of Ordinances. For purposes of this section, it also includes a beach within city limits under the jurisdiction of the city.

~~(4)~~(5) Safe zone means a public shelter provided for habitation by the City.

(b) Prohibited. No person shall camp in a public place in Key West. Camping may includes the use of camp facilities. There mere act of a person sleeping in a public place is not alone sufficient to constitute a violation of this section, unless there is an alternative overnight facility offered and there is indicia of camping- , shelter or any barrier between an individual and the elements used for the purpose of sleeping or establishing a habitat. A written or verbal warning shall be issued for any first time offender of this section provided that compliance is achieved within a reasonable amount of time. This prohibition is not intended to prevent an individual from establishing a temporary shelter in order to avoid committing an unrelated traffic offenses such as driving under the influence. Second or subsequent violations are subject to arrest pursuant to FL Statute 901.15.

(c) Personal property. In the event a person is arrested under this section, the arresting officer shall use best efforts to identify and preserve the personal property of the person.

(d) Penalty. A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances.

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 _____, 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