

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES," ARTICLE IV. - PARKING, STOPPING AND STANDING, BY ADDING DIVISION 7, SECTIONS 70-260 THROUGH 70-264 TO CREATE AND REGULATE AN EMPLOYEE PARKING LOT PERMIT; BY ADDING SECTION 70-260, DEFINITIONS, SECTION 70-261, DESCRIPTIONS, PROOF OF ELIGIBILITY, APPLICATION AND DISPLAY OF DECAL; ADDING SECTION 70-262, PROGRAM COSTS, RECLAMATION; ADDING SECTION 70-263, REGARDING PROHIBITIONS; AND ADDING SECTION 70-264, PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that parking in the Historic District is a hardship for many employees of businesses in the area; and

WHEREAS, the City Commission finds that offering an "Employee Parking Lot Permit" for specific City-owned parking lots with excess capacity, will promote the welfare of the working citizens of the City of Key West.

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

Section 1: That sections 70-260 through and including section 70-264, are hereby added to Chapter 70 of the Key West Code of Ordinances as follows*:

Chapter 70 - TRAFFIC AND VEHICLES

ARTICLE IV. - PARKING, STOPPING AND STANDING

DIVISION 7. EMPLOYEE PARKING LOT PERMIT IN HISTORIC DISTRICT

Sec. 70-260. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Commercial purpose. Any use of a vehicle, the primary purpose of which is to further any business purpose by way of markings, advertisements, or actual use in delivery of goods or services.

(b) Historic District means the Historic Preservation Districts of the City of Key West as identified in sections 122-566 through 122-1005 of the Code of Ordinances of the City of Key West, Florida.

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

(c) Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks or otherwise defined in Florida Statutes.

Sec. 70-261. Description; Proof of eligibility and application; display of permit;

The Employee Parking Lot Permit allows employees of businesses in the Historic District to park during their scheduled work hours in designated municipal lot(s) determined to have excess parking capacity. The City Manager is authorized to designate lot(s) for this permit program. Currently the Old Town Garage (Park and Ride) lot is designated.

In order to be eligible to receive an employee parking lot permit, all applicants must be employed in the Historic District and present the following to the Revenue Office of the City of Key West when making application:

(a) A valid drivers' license.

(b) An original pay stub from a licensed business in the Historic District not more than 30 days old.

(c) A valid vehicle registration in the name of the applicant, family member, or corporation to which the applicant is a principal.

The permit shall be displayed on the vehicle when parked in the lot in the manner directed by the City.

Possession of an Employee Parking Lot Permit is not intended to guarantee a parking space. Parking spaces in the designated lots are available on a first come basis until the lot is full.

Sec. 70-262. Program costs; reclamation; suspension.

The amount of the monthly permit fee, as of the effective date of this ordinance, shall be \$25.00. Rates may be adjusted as necessary by Resolution of the City Commission. Up to six (6) months may be purchased at one time, however fees are nonrefundable. All employee parking lot permits are considered property of the City of Key West. Permits are not transferable except to another vehicle owned by the applicant, in which case the original permit is surrendered to the Revenue Department and a new permit issued.

The City Manager may suspend permits or restrict parking in areas of the lot(s) during emergencies or events, including but not limited to tropical storms, hurricanes, or festival events, when these lots may be needed for preparation or recovery.

Sec. 70-263. Prohibitions.

(a) It shall be unlawful for any person to fraudulently represent that he or she is entitled to an employee parking lot

permit, or to display such a permit at any time when he or she is not so entitled.

(b) It shall be unlawful for any permit to be used on any vehicle for the use of promoting a commercial purpose including, but not limited to deliveries and advertising.

(c) It shall be unlawful for any vehicle to be parked with the employee lot permit except during the employee's scheduled work hours. The City reserves the right to require proof of employee's work schedule upon request. This permit is not intended to allow vehicles to be stored at the lot.

Sec. 70-264. Penalties.

(a) Violations of any of the provisions under this division shall be punishable by a fine of \$250.00 if paid via citation to the parking collections division of the City of Key West within 30 days.

(b) Citations that have not been paid within 30 days as well as violations filed by way of a notice of code violation as a repeat offender shall be punishable under section 1-15 of the Key West 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 _____, 2014.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2014.

Filed with the Clerk _____, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK