

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 70-121 TO ADJUST CERTAIN PENALTIES FOR  
VIOLATION OF PARKING REGULATIONS AND TO ADD  
CROSSING GUARD SURCHARGES TO CERTAIN PENALTIES  
FOR VIOLATION OF PARKING REGULATIONS;  
REPEALING SECTION 70-127; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE

WHEREAS, Section 70-121 of the City Code of Ordinances  
provides for certain penalties for parking violations; and

WHEREAS, the City Commission finds that most penalties  
provided in Section 70-121 have not been adjusted since 2010, and  
accordingly need to be adjusted to support the current costs of  
parking enforcement, and to ensure that the penalty for violating  
certain regulations is greater than the cost of complying with  
said regulations; and

WHEREAS, prior to enactment of this ordinance amendment, Section 70-127 of the City Code of Ordinances allowed surcharges for the school crossing guard program to be provided by Resolution; and

WHEREAS, in Resolution 03-23, the City Commission began to impose crossing guard surcharges; and

WHEREAS, upon recommendation of staff, the City Commission finds that it is necessary to incorporate crossing guard surcharges into the code of ordinances; and

WHEREAS, the City Commission finds that amendment of the penalties and surcharge for parking violations, in part to support the hiring of school crossing guards, would promote the health, safety and welfare of the citizens of Key West.

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

Section 1: That section 70-121(a) of the Code of Ordinances is hereby amended as follows\*:

**Sec. 70-121. Penalty for violation.**

(a) Any person cited for violation of the parking, stopping and standing regulations set forth in this chapter who submits payment within ten days of the issuance of the citation shall be fined as follows:

(1) For violation of section 70-116, but not subsection 70-116(c) (3), 70-116(a) (3) or 70-116(a) (8) and violations of sections 70-119, 70-156, and 70-159, and 70-247, ~~\$20.00~~ ~~\$30.00~~ \$35.00.

(2) For violation of section 70-118, other than unauthorized parking in handicapped parking spaces, punishable as provided in section 70-122, and division 5 of this article, ~~\$30.00~~ ~~\$40.00~~ \$45.00.

(3) For violation of section 70-158, 70-116(a) (3) or 70-116(a) (8), ~~\$100.00~~ ~~\$110.00~~ \$115.00.

(4) For violation of section 70-116(c) (3) and division 2 of article IX of this chapter, ~~\$50.00~~ ~~\$60.00~~ \$65.00.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~. Added language at second reading is double-underlined; deleted language is ~~double struck through~~)

(5) (a) For a first violation of section 70-497 of article X Division 2 of this chapter (Buses), \$250.00.

(b) For a second or subsequent violation of Section 2-497 of article X Division 2 of this Chapter, occurring within six (6) months of a prior violation of this Chapter, \$500.00.

(b) Failure to pay the ~~The~~ penalty for violation(s) and failure to pay the penaltyies as provided in subsections (a)(1), (2), (3), and (4) of this section within ten days ~~shall~~ may be a referred~~ed~~ to the Code Compliance Special Magistrate for a hearing and possible additional penalties in accordance with F.S. ch. 162.

~~(c) The city commission may impose a surcharge on the fines set forth in this section in order to fund the school crossing guard program, in accordance with section 70-127.~~

(c) In order to fund the school crossing guard program in Key West, the following surcharges are imposed on parking fines:

(1) For violations of section 70-116(c) (3) - blocking a fire hydrant - a surcharge of \$125.00

(2) For violations of section 70-317 - parking in a fire lane - a surcharge of \$75.00

(3) For violations of section 70-462 - prohibited parking of recreational and oversized vehicles - a surcharge of \$25.00

(4) For violations of section 70-156 - overtime parking - a surcharge of \$5.00

(5) For all other violations of parking prohibitions for which a surcharge is authorized by ordinance - a surcharge of \$15.00.

Section 2: That section 70-127 of the Code of ordinances is repealed in its entirety.

Section 3. 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 4. 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 5. 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 \_\_\_\_\_, 2018.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Filed with the Clerk \_\_\_\_\_, 2018.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Clayton Lopez \_\_\_\_\_

Commissioner Sam Kaufman \_\_\_\_\_

Commissioner Richard Payne \_\_\_\_\_

Commissioner Margaret Romero \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK