

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 ARTICLE IV - "PARKING STOPPING AND STANDING", DIVISION 5, SECTION 70-249, TO ADJUST FEES; AMENDING SECTIONS 70-254 AND 70-256 TO CLARIFY EMPLOYEE ASSISTANCE PARKING PERMIT REGULATIONS AND ADJUST FEES; AMENDING SECTION 70-261 TO CLARIFY EMPLOYEE PARKING LOT PERMIT REGULATIONS; AMENDING SECTION 70-265 TO CLARIFY TRUMAN WATERFRONT PARKING PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that certain fee adjustments and clarifications to City's several parking Permit programs, will promote the welfare of the citizens of the City of Key West.

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

Section 1: That Section 70-249 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-249. - Additional eligibility.

(a) In addition to the persons in section 70-248, the following persons shall also be eligible to park vehicles in the residential parking permit area:

- (1) Military personnel stationed in Key West; and
- (2) Seasonal residents, persons who reside in the City of Key West on a seasonal basis of four (4) months or longer, and whose vehicles are registered outside of the county; and
- (3) Vehicles registered to a business that holds a business tax receipt or registered with the City of Key West.

(b) All persons whose eligibility is determined under this section shall register their vehicles for this permit with the Parking Division ~~Monroe County Tax Collector~~ and

*(Coding: Added language for first reading is underlined;

deleted language is ~~struck through~~. Added language for second reading is double-underlined.)

execute a sworn affidavit of eligibility. There shall be a registration fee sufficient to cover the cost of issuing the residential parking permit decal for each vehicle of an owner eligible under this section. The annual fee shall be ~~\$20.00~~ \$35.00, plus sales tax. The rate may be adjusted as necessary by resolution of the city commission. Each such vehicle shall display a decal in the manner prescribed by the city.

(c) All persons displaying a lawfully issued Residential Parking Permit may park free of charge for a period of time not to exceed four(4) hours per day in the following City parking sites:

(i) The main parking lot located at the Key West Bight (Caroline Street lot);

(ii) The Old Town Garage;

(iii) The Fire Station parking lot on Angela Street;

(iv.) The Truman Waterfront parking lots.

(v.) The Jackson Square (Courthouse) Parking Lot and 500 block of Thomas Street after business hours and on weekends.

(vi.) Smathers Beach

The City Manager may suspend this parking permit benefit at his or her discretion during special event periods or when otherwise required for City purposes.

Section 2: That Sections 70-254 through 70-256, Employee Assistance Parking Permit Program, of the Code of Ordinances is hereby amended as follows:

Sec. 70-254. Proof of eligibility; duration; application; display of decal.

In order to be eligible to receive an employee assistance parking permit decal in the Commercial Historic District, all applicants must provide all of the following to the parking ~~collections~~ division of the City of Key West:

(1) (a) A valid drivers' license.

(b) ~~An original~~ notarized letter from the applicant's employer located within the Commercial Historic District verifying the applicant's employment within the Commercial Historic District. In the case of a business owner, a signed affidavit to the same effect.

~~(c) Presentation of the applicant's personal vehicle to the parking collections division for a photograph of the applicant's personal vehicle to be attached to the application.~~

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

(d)~~(e)~~ Unpaid Key West parking citations shall render an applicant ineligible for this program.

(2) Employee assistance parking permits ~~decals~~ shall be valid for four months.

~~(3) Employee assistance parking decals shall only be applied by the parking collections division.~~

Sec. 70-255. - Program; costs; reclamation.

Permits ~~Decals~~ shall be valid for four months and shall cost \$800.00 ~~\$700.00~~ plus sales tax. All employee assistance parking permits ~~decals~~ are considered property of the City of Key West. Fees are nonrefundable and not pro-rated. ~~All expired decals must be returned to the City of Key West Parking Collections Division prior to the issuance of a renewal decal.~~

Sec. 70-256. - Prohibitions.

(a) It shall be unlawful for any person to fraudulently represent that he or she is entitled to an employee assistance parking program permit ~~decal, or to display such a decal at any time when he or she is not so entitled.~~

(b) It shall be unlawful for any permit ~~decal~~ to be used on any vehicle for the use of promoting a commercial purpose including, but not limited to deliveries and advertising. However, an exception will be made for a business owner within the Commercial Historic District who shall be entitled to one

permit ~~deal~~ for his or her personal vehicle that is registered in their name or that of the corporation.

(c) It shall be unlawful for any person to utilize ~~display~~ an employee assistance parking program permit ~~deal~~ in a rental vehicle, as defined in F.S. ch. 320; or contract vehicles for hire or passenger vehicles for hire as defined in chapter 78 of the Key West Code of Ordinances. Liability shall be presumed to be on the part of the business owner, vehicle owner and operator.

Section 3: That Section 70-262, Employee Parking Lot Permit Program, of the Code of Ordinances is hereby amended as follows:

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

The amount of the monthly permit fee, as of the effective date of this ordinance [Ord. No. 14-12], shall be \$25.00 plus sales tax. 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.

Section 4: That Section 70-265, Non-Resident Truman Waterfront Parking Permit Program, of the Code of Ordinances is hereby amended as follows:

Sec. 70-265. Eligibility and application.

(1) (a) Monroe county residents whose driver's license reflects a home address located south of U.S. 1 Mile Marker 33 and north of the city limits of the City of Key West shall be eligible for an annual Non-Resident Truman Waterfront Parking Permit. The annual fee for this permit shall be \$25.00 plus sales tax. A county resident with outstanding unpaid City of Key West parking citations shall not be eligible for this program.

(b) All persons displaying a lawfully issued Non-Resident Truman Waterfront Parking Permit may park for a period of time not to exceed four (4) hours one time per day in the Truman Waterfront parking lot or the Jackson Square Parking Lot, or the 500 block of Thomas Street after courthouse business hours and on weekends.

(c) The Permit issued hereunder shall not authorize any commercial use or parking in the Truman Waterfront Parking Lot, or at Jackson Square Parking Lot or on Thomas Street, including but not limited to deliveries and advertising.

(d) The City Manager may suspend this parking permit benefit at his or her discretion during special event periods or when otherwise required for City purposes.

(2) The penalty for violation of this division shall be as provided in section 70-121.

Section 5: 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 6: 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 7: 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 _____, 2021.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2021.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2021.

Filed with the Clerk _____, 2021.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK