

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AMENDING SEC.6-26. THROUGH SEC. 6-115., ARTICLE II.- SPECIAL EVENTS. CHAPTER 6. - AMUSEMENTS AND ENTERTAINMENT., DIVISION 1. GENERALLY. AND DIVISION 2. STREET CLOSURE., SUBPART A. GENERAL ORDINANCES. OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA TO UPDATE AND BETTER DEFINE SPECIAL EVENT PROCESSES AND REQUIREMENTS AND CONSOLIDATE CITY CODE SPECIFIC TO SPECIAL EVENTS INTO A CENTRAL LOCATION WITHIN CITY CODE FOR GREATER CLARITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the high volume of applications received by the City to hold special events within the City of Key West; and

WHEREAS, with increased complexity in the City services and coordination required to effectively administer, host and provide the oversight and City services required to ensure the utmost public safety for our residents, businesses and all attendees to special events, staff determined a review of current City Code was needed in order to address issues and concerns, update application/approval processes, etc., provide clarity in our City Code to clearly define special event processes and requirements and consolidate language specific to special events in one area of the City Code for greater clarity; and

WHEREAS, as a result of staff review, staff is requesting the following amendments to Sections 6-26 - Sec. 6-115., Article II. *Special Events.*, Chapter 6. *Amusements and Entertainment.*, Division 1. *Generally.* and Division 2. *Street Closure.*, Subpart A. *General Ordinances.* of the Code of Ordinances of the City of Key West, Florida; and

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

Section 1: That Division 1. *Generally.*, Article II. *Special Events.*, Chapter 6. *Amusement and Entertainment.*, Subpart A. *General Ordinances.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows\*\*:

**"ARTICLE II. SPECIAL EVENTS**

**DIVISION 1. GENERALLY.**

**Sec. 6-26. Application. ~~Payment for city services.~~**

- (a) All special events conducted on public property, public rights-of-way, or other property under the jurisdiction of the City shall require the submission of a completed special event application to the City prior to the event.
- (b) No person or entity shall conduct, sponsor, or permit a special event without first obtaining approval of such application in accordance with the procedures established by the City Manager or his/her designee.
- (c) The application shall be submitted within the timeframes established by the City and shall include all information, documentation, and fees required to evaluate the proposed event, including but not limited to site plans, traffic control plans, security measures, insurance, and any other

- materials deemed necessary to ensure compliance with applicable laws, ordinances, and public safety requirements.
- (d) Failure to obtain an approved application prior to conducting a special event shall constitute a violation of this Code and may result in denial of future applications, enforcement action, and any other remedies available to the City.
  - (e) The City Manager shall establish an application fee and cost schedule for the use of City property, subject to approval by the City Commission.
  - (f) If the City Manager approves the application, the City Manager shall then schedule the application for consideration by the City Commission. However, notwithstanding the foregoing, if the special event proposes the closure of no more than one block at any given time, including rolling or sequential street closures, is intended to end prior to 9:00 p.m. on any day of the year, and does not seek either a cost waiver or a noise exemption, the City Manager, or designee, may grant final administrative approval to the application, provided that all closures are coordinated with the Police Department, Fire Department, Community Services and other affected departments to ensure that emergency access and public safety are maintained at all times.
  - (g) Notwithstanding subsection (f), the City Manager, or designee, may administratively approve an application for a special event that has been conducted for five (5) consecutive years or more, provided that: (1) the event route, location, duration, and operational characteristics are substantially similar to those approved in prior years; (2) no substantial changes are proposed that would materially affect traffic control, public safety, or operations; and (3) the event sponsor is in good standing with the City of Key West, including payment of all required fees and compliance with prior permit conditions. Prior to granting administrative approval under this subsection, the City Manager shall provide at least ten (10) days' public notice of the proposed administrative approval by posting notice on the City's website and by providing notice in a manner reasonably calculated to inform affected residents and businesses. Any person may submit a written objection stating the basis for the objection within the notice period. The City Manager shall review any timely objection and may refer the application to the City Commission for consideration and final determination if the City Manager determines the objection raises legitimate concerns regarding traffic, public safety, or operational impacts. If no timely objections are received, the administrative approval shall become final upon expiration of the notice period.

- (h) Approval under subsection (f) and (g) shall be discretionary. The City Manager, or designee, may deny administrative approval and require additional review or referral to the City Commission if the City Manager determines that traffic conditions, public safety concerns, anticipated attendance, route length, or operational impacts warrant further consideration.
- (i) Each application shall include the name of a sponsor's contact person and that person's 24-hour telephone number(s), in case of emergency.

**Sec. 6-~~27~~ 26. Payment for services.**

- (a) The organizer or sponsor of any festival, street fair, fair, carnival, athletic event, contest, competition, parade, fundraiser, rally, boat or car race or other special event which requires authorization, whether by administrative permit or approval, and which requires the provision of additional or extraordinary support services by police, fire, administrative, or other departments in order to maintain order or safety or to escort participants shall pay to the City the cost of such services. A down payment of ten percent of the costs, as estimated by the City Manager, shall be made to the City either by certified check or credit card at least ten days prior to the event.
- (b) In addition to any costs for services required under subsection (a), each application for a special event permit shall be accompanied by a non-refundable application fee. The application fee is intended to defray the City's actual administrative costs associated with receiving, reviewing, coordinating, and processing the application and related departmental review. The amount of the application fee shall be established by resolution of the City Commission and may be amended from time to time. No application shall be deemed complete or processed until the required application fee has been paid.
- ~~(c)~~ (c) The City Manager, or designee, shall establish, implement, and periodically update a comprehensive cost schedule for the use of City property and for any additional or extraordinary support services required for special events (not limited to those events referred to in subsection (a)), which schedule shall be subject to approval of the City Commission by resolution. Such schedule shall include application fees, service charges, deposits, and any other costs necessary to recover the City's direct and indirect expenses associated with the event, including but not limited to public safety, traffic control, sanitation,

administrative review, and related services. The City Manager is authorized to provide reasonable terms for time and manner of payment, including advance deposits based on estimated costs and reconciliation of actual costs following the event. All required fees, deposits, and charges must be paid in full, or otherwise secured, as a condition of permit issuance and event approval. If the event sponsor fails to pay the full costs at the time determined by the City Manager or, if no such deadline is established, then within 30 days after the event the City Manager may impose an interest charge on the amount due at the rate of one and one-half percent per month, and failure to timely remit payment may result in denial, suspension, or revocation of event approval and any other remedies available to the City at law or in equity.

(d) ~~(e)~~ The City Commission may grant special exceptions to this section for cause shown upon the public record.

(e) ~~(d)~~ The first \$1,000.00 of costs as specified in subsection (a) of this section may be waived for any organizer or sponsor which has qualified as a tax-exempt nonprofit organization according to state or federal law. Acceptance of this waiver by such sponsor shall render the event a public accommodation subject to the human rights provision of the section 38-225.

(f) ~~(e)~~ Any nonprofit organization accepting the waiver provided for by subsection (e) of this section shall, within 90 days following the special event, submit to the City Commission an accounting of expenses and revenues incurred and generated during the event.

**Sec. 6-28 27. Food, beverage and merchandise booths.**

No booth or stall set up for a special event and serving any amount or type of food and/or beverage, or selling merchandise, shall be placed directly in front of, or within five feet of the property line of, a restaurant or a bar or a retail store (selling primarily the same or similar merchandise), unless the owner of the restaurant, the bar or the store consents. This section shall not apply to major festivals as defined in section 6-30, Major Festival.

**Sec. 6-29. Donation of percentage of revenue to non-profit organization.**

When a sponsor proposes a special event that will cause the closing of a City street or other public right-of-way, the sponsor must donate at least 25 percent of the sponsor City's gross revenues or \$1,000.00, whichever is greater, to at least one nonprofit organization. The sponsor must designate the

nonprofit organization(s) on the application for the event. Each named nonprofit organization must provide the City Manager with a letter of assent. Within 30 days after the event, the sponsor shall report to the City Manager the amount of the contribution received by the nonprofit organization(s).

**Sec. 6-30. Major festival.**

- (a) A major festival is a special event of regional impact. Major festivals are: Fantasy Fest, Hemingway Days, Goombay Festival, Conch Republic Celebration, the Valentine's Day event for Wesley House, and such other special events as may be added or subtracted by resolution of the City Commission. Private persons or business entities who sponsor major festivals are not required to provide funds to a nonprofit organization per section 6-57. An application for a major festival must be received in the City Manager's office at least six months in advance of the scheduled event.
- (b) A business that seeks to sell alcoholic beverages at a major festival pursuant to an APS state license, and which is not a bar or restaurant or other concern that sells alcoholic beverages in the ordinary course of its business, must obtain the written approval of the major festival sponsor and provide such approval to the City.

**Sec. 6-31. Denial of application.**

The City reserves the right to exercise its legislative discretion to deny an application under this division. This section shall not apply to limit applications for special events sponsored by governmental agencies.

**Sec. 6-32. Payment of extraordinary costs for overflow of people.**

Where a person has not applied for a special event permit and an event at its location spills into a street, causing the police department to close all or a portion of the street, the person sponsoring the event shall pay all such extraordinary service costs incurred by the City. On each anniversary of this occurrence, if the person can reasonably anticipate an overflow of people into the street, a special event permit must be applied for consistent with this division. A violation of this section may be grounds for revocation of a business tax receipt.

**Sec. 6-33. Temporary bathroom facilities.**

Whenever the sponsor of a special event provides temporary bathroom facilities on the public right-of-way, at least five percent of those facilities or one of those facilities, whichever is the greater number, shall be accessible to persons with physical disability.

**Secs. 6-34.— 6-56. Reserved.**

---

\*\* (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.)

Section 2: That Division 2. *Street Closure.*, Article II. *Special Events.*, Chapter 6. *Amusement and Entertainment.*, Subpart A. General Ordinances. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows\*\*:

**"ARTICLE II. SPECIAL EVENTS**

**DIVISION 2. STREET CLOSURE.**

**Sec. 6-57 ~~56~~. Application.**

- (a) Except as provided in section 6-30 ~~58~~, and in accordance with the provisions set forth in Sec. 6-26-Sec. 6-56., at least sixty (60) days prior to a proposed special event that will result in the closing of a public street, the sponsor shall submit an application to the City Manager. An application may be made either by a tax-exempt nonprofit organization (nonprofit) or jointly by a nonprofit and a private person or business entity.
- (b) If the City Manager approves the application, the City Manager shall then schedule the application for consideration by the City Commission. However, notwithstanding the foregoing, if the special event proposes ~~to close only one block,~~ the closure of no more than one block at any given time, including rolling or sequential street closures, is intended to end prior to 9:00 p.m. on any day of the year, and does not seek either a cost waiver or a noise exemption, the City Manager, or designee, may ~~give~~ grant final

administrative approval to the application, provided that all closures are coordinated with the Police Department, Fire Department, Community Services and other affected departments to ensure that emergency access and public safety are maintained at all times.

- (c) Each application shall include the name of a sponsor's contact person and that person's 24-hour telephone number(s), in case of emergency.

**~~Sec. 6-57. Donation of percentage of revenue to nonprofit organization.~~**

~~When a sponsor proposes a special event that will cause the closing of a street or other public right-of-way, the sponsor must donate at least 25 percent of the sponsor's gross revenues or \$1,000.00, whichever is greater, to at least one nonprofit organization. The sponsor must designate the nonprofit organization(s) on the application for the event. Each named nonprofit organization must provide the City Manager with a letter of assent. Within 30 days after the event, the sponsor shall report to the City Manager the amount of the contribution received by the nonprofit organization(s).~~

**~~Sec. 6-58. Major festival.~~**

~~(a) A major festival is a special event of regional impact. Major festivals are: Fantasy Fest, Hemingway Days, Goombay Festival, Conch Republic Celebration, the Poker Run, the Valentine's Day event for Wesley House, the Red Ribbon event at Mangoes, and such other special events as may be added or subtracted by resolution of the . Private persons or business entities who sponsor major festivals are not required to provide funds to a nonprofit organization per section 6-57. An application for a major festival must be received in the City Manager's office at least six months in advance of the scheduled event.~~

~~(b) A business that seeks to sell alcoholic beverages at a major festival pursuant to an APS state license, and which is not a bar or restaurant or other concern that sells alcoholic beverages in the ordinary course of its business, must obtain the written approval of the major festival sponsor and provide such approval to the .~~

**~~Sec. 6-58 59. Denial of application.~~**

~~The City reserves the right to exercise its legislative discretion to deny an application under this division. This section shall not apply to limit applications for special events sponsored by governmental agencies.~~

**~~Sec. 6-60. Payment of extraordinary costs for overflow of people.~~**

~~Where a person has not applied for a special event permit and an event at its location spills into a street, causing the police department to close all or a portion of the street, the person sponsoring the event shall pay all such extraordinary service costs incurred by the . On each anniversary of this occurrence, if the person can reasonably anticipate an overflow of people into the street, a special event permit must be applied for consistent with this division. A violation of this section may be grounds for revocation of a business tax receipt.~~

**~~Sec. 6-61. Temporary bathroom facilities.~~**

~~Whenever the sponsor of a special event provides temporary bathroom facilities on the public right of way, at least five percent of those facilities or one of those facilities, whichever is the greater number, shall be accessible to persons with physical disability.~~

**~~Secs. 6-59 62-6-82 85. Reserved."~~**

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.

\*\* REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK \*\*

Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Authenticated by the presiding officer and Clerk of  
the Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Filed with the Clerk \_\_\_\_\_, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

\_\_\_\_\_  
DANISE HENRIQUEZ, MAYOR

ATTEST:

\_\_\_\_\_  
KERI O'BRIEN, CITY CLERK