

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 70-372 ENTITLED "TIME LIMITS FOR DELIVERIES ON DUVAL STREET", TO EXPAND THE DEFINED AREA TO INCLUDE SIMONTON AND WHITEHEAD STREETS; AMENDING SECTION 70-373 ENTITLED "TIME LIMITS FOR DELIVERIES WITHIN THE HISTORIC DISTRICT" TO EXPAND THE AMENDED TIME RESTRICTION TO ALL OTHER PORTIONS OF THE HISTORIC DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that the existence of commercial delivery trucks making deliveries within the historic district presents a considerable issue regarding congestion at peak hours of the day; and

WHEREAS, the City Commission finds that the current ordinance does not sufficiently address the noise and the manner in which commercial delivery trucks contribute to said noise. Specifically, the current restriction only applies to a limited geographical area of the historic district; and

WHEREAS, the City Commission finds that the current lack of restrictions concerning commercial deliveries within the historic district for areas off of Duval Street and outside of the area currently described in 70-373 as Whitehead Street to Simonton Street and Caroline Street to Front Street, creates excessive noise; and

WHEREAS, the City Commission finds that there exists extreme pedestrian and vehicular traffic in the afternoon hours within the historic district, which the operation of delivery trucks significantly impedes; and

WHEREAS, the City Commission finds that the geographical area described at the Duval Street Corridor, comprising Whitehead Street, Duval Street, Simonton Street, and all intersecting streets therein, have a greater need for regulation of delivery trucks; and

WHEREAS, an amendment to Sections 70-372 and 70-373 concerning deliveries in the historic district will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Section 70-372 of the Code of Ordinances is hereby added/amended as follows\*:

**Sec. 70-372. -Time limits for deliveries en within the  
Duval Street Corridor.**

Except as provided in this division, all commercial truck deliveries ~~en~~ made between Whitehead Street and Simonton Street bordered by the Atlantic Ocean and the Key West Harbor, including all intersecting streets therein, defined for this section only as The Duval Street Corridor shall occur between the hours of 6:00 a.m. and 2:00 p.m. It shall be unlawful for an owner or driver of a truck to deliver goods or merchandise ~~en~~ within this Duval Street Corridor except within the designated hours.

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

Section 2: That Section 70-373 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-373. - Time limits for deliveries within historic district.**

Along the perimeter of, and within all ~~the following area of the historic zoning districts district~~, except ~~on~~ within the Duval Street Corridor, as provided in section 30-372, all commercial truck deliveries shall occur between the hours of 7:00 a.m. and 12:00 noon: ~~Whitehead Street to Simonton Street and Caroline Street to Front Street~~. It shall be unlawful for an owner or driver to deliver goods or merchandise in this area except within the designated hours.

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 \_\_\_\_\_, 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.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK