

Chapter 80 - CRUISE SHIP REGULATIONS

Sec. 80-1. - Definitions.

As used herein, the following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

"Vessel" shall mean a cruise ship holding more than five hundred (500) passengers and such cruise ship's owner(s).

"Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, releasing, emptying or dumping.

"Pollutant" shall mean ballast, dunnage, untreated sewage, garbage, liquid or solid matter, oil, gasoline, residuum of gas, calcium, carbide, trade waste, tar or refuse, or any other floating matter or scum on the surface of the water, obstruction on the bottom of the waterways, or odors or gases of putrefaction as such discharge is defined as a pollutant by state or federal law.

"Waterways of City of Key West" shall mean the water six hundred (600) feet into the tidal waters adjacent to the City of Key West's corporate limits.

(Ord. No. 22-07, § 1, 4-5-2022)

Sec. 80-2. - Pollution of water.

- (1) It shall be unlawful for any vessel to deposit, place or discharge any pollutant into the waterways of the City of Key West.
- (2) Vessels docking at the City of Key West shall at all times be in full compliance with all applicable state, federal and international safety, health and environmental protection statutes, regulations, standards and requirements, including, but not limited to, the Oil Pollution Act of 1990, the International Convention for Safety of Life at Sea, the International Convention for Prevention of Pollution from Ships, and shall have a valid certificate of inspection. In the event of a vessel pollutant discharge into the waterways of the City of Key West, the vessel responsible for the discharge shall take immediate action to clean up the discharge. Cleanup is to be accomplished in the shortest time possible, using industry approved standard methods, so as to limit in every way possible, damage to the environment. In any instance where it is determined by the City of Key West that cleanup efforts are not being undertaken in a timely and/or adequate manner by the responsible Vessel, the City of Key West may order resources, as necessary, to commence and complete the pollutant discharge cleanup. In such cases, the actual cost of the cleanup plus an administrative fee of 15% of the actual cost of cleanup will be charged to the responsible vessel.
- (3)

Full payment of the cleanup costs, including administrative fee, must be paid by vessel before the vessel will be permitted to sail from the City of Key West. In instances where a vessel is prohibited from sailing due to failure to pay actual cleanup costs and administrative fee as prescribed by this section: (a)an additional one thousand (\$1,000) dollar per-day pollutant discharge cleanup management fee will assessed until such time as vessel sails from the City of Key West (b)the City of Key West will provide dock space or other anchorage and (c) the vessel prohibited at then prevailing rates.

- (4) In the event any oil or hazardous substance is discharged into or upon the waterway of the City of Key West, in a harmful or reportable quantity, the responsible vessel shall immediately notify all appropriate state and local agencies and the National Response Notification Center.

(Ord. No. 22-07, § 1, 4-5-2022)

Sec. 80-3. - Coral reef restoration; water quality monitoring.

The City of Key West shall establish a fund for the express purpose to restore and maintain coral reefs adjacent to the City of Key West. The City of Key West shall engage certified, independent, qualified reef restoration experts, to be identified by resolution of the City of Key West annually, to restore and maintain such reefs.

The City of Key West shall also establish a water quality monitoring fund for the monitoring of water quality violations of Sec. 80-2 in the Waterways of the City of Key West, via certified, independent, qualified water quality monitoring expert, or governmental entity to be identified by resolution annually.

Revenue for coral reef restoration and maintenance fund and administrative fee established in Section 80-2 herein, the cruise ship passenger disembarkment fee revenue share paid to the City of Key West, and any donation made to the funds. Allocation of funds to the respective programs shall be made annually via resolution of the city commission.

(Ord. No. 22-07, § 1, 4-5-2022)

Sec. 80-4. - Passenger healthcare services.

Vessels shall use best efforts to utilize on-board healthcare services regarding the medical needs of its passengers, with the exception of life-threatening emergencies. With the exception of life-threatening emergencies, Vessels shall transport any passenger-patient with COVID-19, or other confirmed or suspected highly transmissible illness requiring medical service, using an isolated emergency transportation method to a treatment facility outside of the City of Key West.

(Ord. No. 22-07, § 1, 4-5-2022)

Sec. 80-5. - Enforcement.

The City of Key West shall coordinate with state and federal agencies to ensure that vessel operations conform to all applicable laws relating to Sec. 80-2(2).

(Ord. No. 22-07, § 1, 4-5-2022)