

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES," BY AMENDING "ARTICLE XIII - COSMETICS," SECTION 18-705, TO REQUIRE DISCLOSURE OF THE FINAL COST OF ITEMS AND SERVICES PRIOR TO APPLICATION OF SAMPLES; AMENDING SECTION 18-707 TO PROVIDE THAT VIOLATION OF OFF-PREMISES CANVASSING PROVISIONS MAY RESULT IN PERMIT SUSPENSION OR REVOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to clarify regulations that protect consumers at cosmetic retail establishments in the Historic District; and

WHEREAS, amendments to section 18-705 and 18-707 of the Code of Ordinances will promote the 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 18-705 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-705. - Requirements of permit holder.

Any permit holder must:

(1) Maintain conditions set forth in section 18-704; and

(2) Clearly display each cosmetic item offered for sale with each item bearing a sale price posted directly on the item. For services, a description of the service with the associated price posted in a location at the cash register and at the location where the service is actually rendered within the establishment plainly visible to patrons, in letters not less than two inches in height. If the item is free or part of a discounted offer, then a statement to this effect shall both be displayed in the store and affixed to each applicable item or description of service.

(3) No permit holder shall commence or initiate the application of cosmetic samples in any form for a customer without first furnishing to the customer a written statement showing the final total cost of the item or service ~~to be purchased by the~~

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

customer. The statement shall clearly delineate the cost of each cosmetic item, the cost of the application of cosmetics for each item, and the total cost to the customer. These shall be available to customers printed in six languages: English, French, German, Italian, Spanish and Japanese. The statement shall be provided in full detail on a form substantially identical to the following content:

* * * * *

Section 2: That Section 18-707 of the Code of Ordinances is hereby amended as follows:

Sec. 18-707. - Revocation or suspension of permit.

(a) If a permit holder is found in violation or admits to a violation of this article, or is found in violation or admits to a violation of Article VIII Off-Premises Canvassing, the city manager may conduct a permit suspension or revocation hearing, as applicable. The permit holder shall be afforded due process. The city manager may impose a permit suspension or revocation as follows:

- (1) One violation: Up to 30 days' suspension.
- (2) Two violations: Up to 60 days' suspension.
- (3) Three or more violations: Up to a year's suspension or revocation of the permit.

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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:

CHERYL SMITH, CITY CLERK