

ORDINANCE NO. 20-

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES, ENTITLED "Traffic and Vehicles" BY AMENDING SECTION 70-1 BY ADDING THE DEFINITION OF "RIGHT-OF-WAY"; BY AMENDING 70-116, TO CLARIFY PROHIBITED USES OF RIGHTS-OF-WAY; PROVIDING PENALTIES; PROVIDING ADDITIONAL ENFORCEMENT MEASURES AND PROCEDURES; PROVIDING EXCEPTION; BY AMENDING 70-117, TO CLARIFY AND PROVIDE FOR PENALTIES; PROVIDING ADDITIONAL ENFORCEMENT MEASURES AND PROCEDURES; 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 amend Chapter 70 "Traffic and Vehicles"; and

WHEREAS, an amendment to section 70-1 of the Code of Ordinances is deemed in the interest of the public to expand on the description of Public Rights-of-Way;

WHEREAS, the use of public streets and public rights-of-way for storage of vehicles may impede travel, interfere with the rights of others, including residents, using the streets and public rights-of-way, and may affect the public safety and create a public nuisance;

WHEREAS, the intent of this new section prohibiting the storage and parking of certain vehicles in residential zoning districts is to also prevent diminution of property values and to retain the residential community character of the neighborhood;

WHEREAS, it has been deemed that implementing time limited parking restrictions in the City that currently have seventy-two (72) hour limits and giving the City additional powers to enforce such restrictions will decrease the number of vehicles stored on City streets while also reducing spillover of stored and parked vehicles into commercial business areas that rely on parking for customers and employees;

WHEREAS, amendments to section 70-116 and section 70-117 of the Code of Ordinances is deemed in the interest of the public for the above-stated reasons;

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

Section 1: That Section 70.1 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * * *

Public Right-of-Way shall mean land in which the state, the county or the city or federal entity owns the fee or has an interest devoted to or required for the use as a street, including sidewalks and swales therein, and any area within a roadway which is not open to vehicular travel.*

* * * * *

Recreational vehicle means any camper, camping trailer, camping vehicle, house trailer, motor home, travel trailer, truck camper, or other trailer as defined in this section or any similar vehicle or trailer designed as temporary living quarters for recreational, camping, travel or temporary dwelling use which either has its own motive power or is mounted on or drawn by another vehicle.

* * * * *

Storage (or stored) means the status of an operable vehicle or vessel (including a vessel on a trailer) on a street or other public place or Public Right-of-Way when its owner or user does not move it from a parking location within a prescribed time, and

* (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.)

when its owner has no intent that it become abandoned property. A vehicle parked on a public right-of-way or in a public place in excess of 72 hours shall be presumed to be stored.

Section 2: That Section 70.116 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-116. - Prohibited parking.

(a) No person shall park a vehicle upon any city street, alley or other public place for the purpose of:

* * * * *

(5) Storage on the public right-of-way or in a public place for more than 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right-of-way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129. Storage on the public right-of-way or in a public place.

- i. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley.
- ii. A vehicle parked on a public right-of-way or in a public place in excess of 72 hours shall be presumed to be stored.
- iii. A vessel shall not be stored on the right-of-way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129.
- iv. The first violation for this offense will consist of a courtesy citation (zero fine violation) and warning tag but is still considered a violation for enforcement purposes. Violators who received warnings in the previous year are considered a repeat parking violator and not entitled to a warning citation as outlined in this section.
- v. In the case of a second or subsequent violation of sub-section (a) (5), within a consecutive 180 day period, a law enforcement officer or a certified parking enforcement officer, in addition to

charging the owner or operator with any noncriminal violation set forth this chapter and in addition to the storage fee of section 70-129, may have the vehicle removed without warning pursuant to section 70-117. The cost of towing, removing, impoundment and storage shall be a lien against the vehicle. If the county court determines that the noncriminal violation charged was invalid:

a. The vehicle must be immediately released without charge and with the lien provided for in this subsection automatically extinguished; or

b. If the owner or operator has paid the cost of towing and impoundment, the amount paid must be refunded.

vi. Exception. However, upon request from a resident of the City of Key West, the city manager or his or her designee may permit the temporary storage of a vehicle, on a public right-of-way or in a public place, in excess of 72 hours, if the exception to prohibited vehicle storage does not adversely affect the health, safety or welfare of the public.

Each exception granted under this sub-section shall be limited to no more than (30) calendar days per exception.

IF YOU WISH TO REQUEST TEMPORARY STORAGE OF A VEHICLE IN ACCORDANCE WITH THIS SECTION, CONTACT THE KEY WEST PARKING DIVISION

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Section 3: That Section 70.117 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-117. -~~Authority of police~~ to move vehicles parked in violation.

(a) Whenever any police officer or a certified parking enforcement officer finds a vehicle standing upon a street or alley in violation of any of the sections of this Code or other applicable traffic laws or ordinances, such officer is authorized to move or cause to be moved such vehicle or to

require the driver or person in charge of the vehicle to move the vehicle to a lawful parking position.

(b) When any vehicle has been towed away pursuant to this chapter, it shall be the duty of the owner thereof to pay the towing charges necessary and reasonably incurred, including towing and wrecker charges and storage.

Section 4: 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 5: 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 6: 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 _____, 2020.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2020.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2020.

Filed with the Clerk _____, 2020.

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|------------------------------|-------|
| 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