

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES, ENTITLED "VEHICLES FOR HIRE" BY AMENDING SECTION 78-233, TO AMEND THE NUMBER OF SIGHTSEEING VEHICLES OPERATED PURSUANT TO BUSINESS LICENSE FROM SEVEN TO EIGHT; TO CREATE A RANDOM SELECTION PROCESS FOR ANY NEW LICENSES FOR ELECTRIC VEHICLES; TO CREATE SECTION 78-240 TO PERMIT TRANSFERIBILITY OF NEW LICENSES WITH APPROVAL OF THE CITY COMMISSION; 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 the number of permitted sightseeing vehicles that are operated in the city pursuant to a business license from seven to eight; and,

WHEREAS, the City of Key West finds that having a random selection process for any new licenses, as well as providing for transfer of any new licenses with approval of the city commission with a fee is a fair method to issue new licenses; and,

WHEREAS, the City of Key West finds that requiring the additional sightseeing vehicles to be 100% electric and operated

by non-CDL drivers 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 78-233 of the Code of Ordinances is hereby amended as follows*:

Sec. 78-233. - Number authorized.

The number of sightseeing vehicles authorized and declared as a public convenience and necessity shall not exceed ~~seven~~ eight; ~~provided, however, as the licenses are not renewed or applied for, the city commission, in its discretion, may reduce the number of licenses from time to time.~~ Any person who has ~~purchased~~ obtained such license for a sightseeing vehicle is not authorized to transfer the license except with the approval of the city commission. Any additional sightseeing vehicle licenses that are issued by the city commission pursuant to Article IV

*(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.)

shall be issued in a random drawing conducted by the City Clerk if the number of applications exceed the additional number of licenses. There shall be one application submitted per license available. Any additional licenses issued under this section shall be for vehicles that are 100% electric and that do not require a commercial driver's license (CDL). The drawing for new licenses shall be held by the city clerk, from applications received by the city manager within five business days of the effective date of any ordinance increasing the number of licenses described herein.

Any new or additional licenses that are awarded pursuant to this section will not be issued unless a successful applicant shows proof of ownership of a qualified electric, non-CDL vehicle within 30 days of an award of a license or presents proof that a qualified vehicle is under contract to be purchased within 30 days of an award of a license.

Section 2: That Section 78-240 of the Code of Ordinances is hereby created as follows*:

Sec. 78-240 Transferability:

Any licenses that are issued pursuant to Sec. 78-233 may be transferred after approval by the city commission and payment of

ten percent (10%) of the sale of the assets, goodwill, vehicle(s) and value of the license(s).

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 _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK