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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: Ron Ramsingh, Chief Assistant City Attorney

Date: August 29, 2016

RE: 2 ordinance revisions regarding the definition of "public beach" and "public park"

Action statement:

These are 2 proposed ordinance revisions that will bring county-owned parks and beach areas into our definition of public beaches and public parks.

Background:

Currently, the definition of public park and public beach in Ch. 26 of the Code of Ordinances does not contemplate that our quality of life ordinances would apply in public areas such as Higgs Beach and the park known as The Pines because ownership of those areas are with the county and the Sheriff typically patrols and enforces ordinances there. The KWPD has recently tried to enforce ordinances in these areas such as park or beach after hours, however the cases had to be dismissed due to the limiting language in the definitions of these areas. While the

Sheriff certainly has concurrent jurisdiction in these areas, these amendments will give the KWPD an additional tool in enforcing vagrancy laws in parks and on beaches.

Options:

1. To approve the proposed ordinance revisions which will broaden the definition of a public park and a public beach to include county-owned areas, thereby enabling the KWPD to enforce the city's vagrancy laws in these areas.
2. To defeat the proposed ordinance. The KWPD will continue to be unable to enforce vagrancy laws in county-owned areas.

Recommendation: To approve the proposed ordinance revisions.
