

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE IV - "PARKING STOPPING AND STANDING", DIVISION 6, "EMPLOYEE ASSISTANCE PARKING PERMIT PROGRAM IN HISTORIC DISTRICT", TO AMEND SECTION 70-253 TO CLARIFY THAT PERMIT APPLIES TO METERED PARKING IN COMMERCIAL HISTORIC DISTRICT; AMENDING SECTION 70-254 TO ADD THAT UNPAID KEY WEST PARKING CITATIONS RENDER AN APPLICANT INELIGIBLE FOR PROGRAM; AMENDING SECTION 70-255 TO ADJUST EMPLOYEE ASSISTANCE PARKING DECAL FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, an amendment to the Residential Parking Permit ordinance 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 70-253 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 70-253. - Definitions.**

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

(a) The Employee Assistance Program Permit applies to on-street metered parking in the Commercial Historic District and is limited to 12 hours per 24-hour day.

~~(a)~~(b) *Commercial purpose.* Any use of a vehicle, the primary purpose of which is to further any business purpose by way of markings, advertisements, or actual use in delivery of goods or services.

~~(b)~~(c) *Motor vehicle* means any vehicle which is self-propelled or otherwise defined in Florida Statutes.

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\*(Coding: Added language for first reading is underlined; deleted language is ~~struck through~~. Added language for second reading is double-underlined deleted language is ~~double-struck through~~.)

~~(e)~~(d) *Commercial Historic District*. That area of Key West west of White Street.

~~(d)~~(e) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks or otherwise defined in Florida Statutes.

Section 2: That Section 70-254 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-254. - Proof of eligibility; duration; application; display of decal.**

In order to be eligible to receive an employee assistance parking decal in the Commercial Historic District, all applicants must provide all of the following to the parking collections division of the City of Key West:

(1) (a) A valid drivers' license.

(b) An original notarized letter from the applicant's employer located within the Commercial Historic District verifying the applicant's employment within the Commercial

Historic District. In the case of a business owner, a signed affidavit to the same effect.

(c) Presentation of the applicant's personal vehicle to the parking collections division for a photograph of the applicant's personal vehicle to be attached to the application.

(d) A valid vehicle registration in the name of the applicant or corporation to which the applicant is a principal.

(e) Unpaid Key West parking citations shall render an applicant ineligible for this program.

(2) Employee assistance parking decals shall be valid for four months.

(3) Employee assistance parking decals shall only be applied by the parking collections division.

Section 3: That Section 70-255 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-255. - Program; costs; reclamation.**

Decals shall be valid for four months and shall cost ~~\$400.00~~ ~~\$800.00~~ \$480.00 tax included. All employee assistance parking decals are considered property of the City of Key West. Fees are nonrefundable and not pro-rated. All expired decals must be returned to the City of Key West Parking Collections Division prior to the issuance of a renewal decal.

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 \_\_\_\_\_, 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	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK