

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING ARTICLE II, ENTITLED "NUISANCES", DIVISION 3 "USE OF BEACHES ON CITY PROPERTY" BY AMENDING THE TITLE OF DIVISION 3; BY AMENDING SECTION 26-96, "DEFINITIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that there is a need to address public vagrancy in all parks; and

WHEREAS, the City Commission for the City of Key West finds that the Key West Police Department can provide additional assistance to address public vagrancy in parks owned by other governmental agencies and within the city limits; and

WHEREAS, the City Commission for the City of Key West finds that amending the definition of a public park to include parks owned by other governmental agencies that are within city limits will bring these parks in line with the definition of all parks within the City of Key West,

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

Section 1: That Chapter 26, Article II of the Code of Ordinances is hereby amended as follows\*:

DIVISION 3. - USE OF BEACHES ~~LOCATED ON CITY PROPERTY~~

Section 2: That section 26-61 of the Code of Ordinances is hereby amended as follows:

**Sec. 26-61. - Definitions.**

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

*Beach* means that area from the actual low water line to the curb or pavement edge of the nearest adjacent street, consisting of unconsolidated sand, rock, paved area, parking spaces, or other composition, and also including any piers, docks, jetties, boat ramps, or similar structures extending waterward of the actual low water line.

*Public beach* means any beach located on property owned or leased by ~~the~~ city, county, state or federal government.

---

\*(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.)

*Vehicle* means any device in, upon, or by which any person or property is or may be transported or drawn upon a street, including without limitation bicycles, tricycles, mopeds, motor-driven cycles, motorcycles, and other similar mechanisms.

Section 2: 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 3: 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 4: 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 \_\_\_\_\_, 2016.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

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