

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND PARKING" BY AMENDING SECTION 70-246, DEFINITIONS; AMENDING SECTION 247 TO CLARIFY THE RESIDENTIAL PARKING PERMIT AREA; AMENDING SECTION 70-248, ELIGIBILITY; REPEALING SECTION 70-249, ADDITIONAL ELIGIBILITY; AMENDING AND RENUMBERING SECTION 70-251, APPEAL OF DECISIONS; AND RENUMBERING SECTIONS 70-250 AND 70-252; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission finds that there is very limited parking available for the residents of certain neighborhoods within the historic district of the City; and

WHEREAS, the Key West City Commission finds the residential parking program proposed herein would serve to reduce air pollution associated with automobile commuting, excessive noise, litter and unreasonable burdens placed on residents attempting to gain access to their residences; and

WHEREAS, the Key West City Commission finds the promotion of traffic and pedestrian safety and the preservation of the character of residential areas would be served by the implementation of this

residential parking program.

WHEREAS, the Key West City Commission finds that amending residential parking regulations would serve to promote the health, safety and welfare of the citizens of Key West;

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

Section 1: That Section 70-246 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 70-246. - 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:

*Vehicle* means any automobile, electric car, truck or motorcycle, so long as such vehicle is allowed to park on the city streets pursuant to ~~this chapter~~ City Ordinance and the laws of the state.

Section 2: That Section 70-247 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-247. - Established.**

A residential parking permit program is established in the area as described in ~~e~~Exhibit A to Ordinance No. 11-08 ~~99-23~~.

The area is referred to as the ~~"parking permit area."~~

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

"Residential Parking Permit Area." Specifically, eExhibit A, which is made a part of this section by reference, delineates each block of the city where the residential parking permit program shall be in effect. The eCity mManager is authorized to erect the appropriate street signs and markings. Unless determined otherwise in writing by the eCity mManager, the residential parking permit program shall be in effect at all hours of the day, seven days a week.

Section 3: That Section 70-248 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-248. - Eligibility.**

~~All vehicles bearing a county license tag shall be eligible to participate in the residential parking permit program. Owners of vehicles with county license tags who reside within the parking permit area shall register their vehicles with the city's licensing division for space allocation purposes. The display of a county license tag on the vehicle shall constitute the permit~~

~~to allow the vehicle to be parked in the parking permit area.~~  
Only residents of the Residential Parking Permit Area, as designated in Sec. 70-247 above, shall be eligible to park in spaces identified by street markings and signs as residential permit parking space. Application must be made by providing proof of residency and vehicle ownership. The City Manager is authorized to promulgate policies which establish proof of residency. Parking pursuant to this section shall be identified by a Residential Parking Permit decal displayed on the driver's side windshield. The cost of this permit shall be an annual fee of \$25.00. An owner may register all vehicles owned by him. If an owner sells or otherwise transfers a vehicle registered with the city, he shall notify the ~~licensing~~ parking division. There is no refund of permit fees.

Section 4: That Section 70-249, titled Additional eligibility, of the Code of Ordinances is hereby repealed.

Section 5: That Section 70-250 of the Code of Ordinances is hereby renumbered as follows:

**Sec. 70-249 70-250 - Effect of other parking regulations.**

Nothing in this division is intended to permit a vehicle owner to violate the established parking regulations of the city. Furthermore, nothing in this section is intended to guarantee an

owner of a vehicle a parking space on any city street.

Section 6: That Section 70-251 of the Code of Ordinances is hereby amended as follows:

**Sec. 70-2501 . - Appeal of decisions.**

An owner of a vehicle may appeal a decision of the ~~licensing~~ parking division made pursuant to this division in writing to the eCity mManager. Upon notice, the eCity mManager shall provide a hearing to the vehicle owner within 30 days from the date of the appeal.

Section 7: That Section 70-246 of the Code of Ordinances is hereby renumbered as follows:

**Sec. 70-2512. - Penalty for violation.**

The penalty for violation of this division shall be as provided in section 70-121.

Section 8: 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 9: 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 10: 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 \_\_\_\_\_, 2011.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Filed with the Clerk \_\_\_\_\_, 2011.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK