

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES, ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-1, TO AMEND ENFORCEMENT PROVISIONS BY ASSIGNING AUTHORITY TO ADDRESS VIOLATIONS TO THE SPECIAL MASTER PURSUANT TO SECTION 2-633 AND 2-634 AND TO AMEND TO INCLUDE CONSTRUCTION DEBRIS; BY AMENDING SECTION 62-2 TO AMEND ENFORCEMENT PROVISIONS BY ASSIGNING AUTHORITY TO ADDRESS VIOLATIONS TO THE SPECIAL MASTER PURSUANT TO SECTION 2-633 AND 2-634; 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 sections 62-1 and 62-2 of the Code of ordinances, to allow Code Compliance to issue a Notice of Code Violation in instances where unlawful deposits of oil, grease or other waste are found, and in cases of sidewalk obstruction; and

WHEREAS, the City of key west finds that it is necessary to amend section 62-1 of the Code of Ordinances, to include construction debris as a prohibited substance to be deposited on the city's rights of way; and

WHEREAS, amendments to sections 62-1 and 62-2 of the

Code of Ordinances 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 62-1 of the Code of Ordinances is hereby amended as follows:

Sec. 62-1. - Deposits of oil, grease or other waste.

It shall be unlawful for any person to cause or allow to be caused any oil, grease, construction debris, or other waste matter to flow or otherwise be placed upon any right-of-way, street, alley, swale, public square or sidewalk within the city. Violations shall be punishable as provided in section 1-15 and may also be subject to enforcement pursuant to the code enforcement authority of the special master in sections 2-633 and 2-634.

*(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.)

Section 2: That Section 62-2 of the Code of Ordinances is hereby amended as follows:

Sec. 62-2. - Obstructions.

(a) It shall be unlawful for any person willfully to obstruct the free, convenient and ordinary use of any public right-of-way, street, roadway, alley, sidewalk, swale or public square by impeding, hindering, stifling, retarding or restraining the passage of either pedestrian or vehicular traffic or by endangering the safe movement of pedestrians or vehicles travelling thereon.

(b) This section shall not apply to the right of assembly or to any other purpose for which a government has issued a permit; provided, however, that a permit to use a public area for a commercial purpose does not authorize obstruction.

(c) Violations shall be punishable as provided in section 1-15 and may also be subject to enforcement pursuant to the code enforcement authority of the special master in sections 2-633 and 2-634.

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:

CHERYL SMITH, CITY CLERK