

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AUTHORIZING ASSIGNMENT OF ALL STOCK OF DUCK  
TOURS SEAFARI, INC. FROM MICHAEL THOMAS, JR.  
TO BUGGY BUS, INC., PURSUANT TO SECTION 6. OF  
THE FRANCHISE GRANTED IN KEY WEST ORDINANCE  
NO. 11-02; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT  
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Key West City Charter section 7.01(4) requires that  
the grant of a franchise must be done by ordinance; and

WHEREAS, in Ordinance No. 11-02, the Key West City Commission  
granted Duck Tours Seafari, Inc. a franchise agreement for  
amphibious sightseeing operations upon certain terms and  
conditions; and

WHEREAS, in Ordinance No. 11-21, the Key West City  
Commission authorized assignment of all stock in Duck Tours Seafari  
to Michael Thomas, Jr; and

WHEREAS, Michael J. Thomas, Jr. for Duck Tours Seafari, Inc.  
requested City Commission approval pursuant to section 6 of the  
Franchise Agreement contained in Ordinance 11-02, to transfer all  
stock of Duck Tours Seafari, Inc. to Buggy Bus, Inc.; and

WHEREAS, Buggy Bus, Inc. is currently the owner of a franchise within the City of Key West, and has previously provided financial information to the satisfaction of the City Manager; and

WHEREAS, the Key West City Commission finds that granting approval of this transfer of stock and resulting assignment of the franchise is reasonable within the intent of Ordinance No. 11-02 and will not adversely affect the safety or welfare of the residents and visitors of Key West.

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

Section 1: That, pursuant to section 6 of Key West Ordinance No. 11-02, a transfer of all stock of Duck Tours Seafari, Inc., from Michael J. Thomas, Jr. to Buggy Bus, Inc. is hereby approved.

Section 2: That all remaining provisions of the Franchise granted in Ordinance No. 11-02 remain in full force and effect.

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4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 \_\_\_\_\_, 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	_____
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