

ORDINANCE NO. 10-06

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES
ENTITLED "BUSINESSES" BY AMENDING SECTION 18-
324 TO ADD A PROVISION RECOGNIZING HISTORIC
AND DOCUMENTED USE OF LOCATIONS; PROVIDING FOR
REPEAL OF INCONSISTENT PROVISIONS; PROVIDING
FOR AN EFFECTIVE DATE

WHEREAS, the City recognizes that there has been inconsistent enforcement of its ordinances with respect to the location of mobile vendors;

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

Section 1: That section 18-324 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-324. Conditions of use.

Persons offering goods or services for business sale and holding a valid mobile vendor's license shall be situated, together with their vehicles, goods, displays, or other accoutrements, only upon public roads, and shall not:

* * * *

(15) Notwithstanding relevant subsections above, a licensed mobile vendor who has consistently operated from a location that is otherwise not in strict conformity with the provisions of this article, may petition the City to remain in such location,

conditioned upon: sufficient evidence being provided by the vendor to the City Manager or his designee to document that consistent and regular activities have been conducted from such location for at least a period of one year within the past three years; there being no impediment to traffic, pedestrian or other safety and engineering concerns, or any laws relating thereto; all such necessary information required herein, or as requested by the City Manager or his designee in conformity with this provision, being provided within 30 days of the effective date of this ordinance provision. Any request for an exemption hereunder made after the expiration of thirty days from the date of this provision shall not be considered. Any individual petitioning the City for this exemption shall pay any costs incurred by the City in verifying any health or safety concerns implicated by a particular location. Any exemption granted pursuant to this provision shall irrevocably expire if not exercised by the holder for any period of five consecutive weeks.

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 5th day of January, 2010.

Read and passed on final reading at a regular meeting held this 19th day of January, 2010.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of January 21, 2010.

Filed with the Clerk January 21, 2010.



MARK ROSSI, VICE MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK