ORDINANCE NO. 12-06

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-372 ENTITLED TIME LIMITS FOR DELIVERIES ON DUVAL STREET TO PROVIDE FOR AN AMENDEDMENT EXPANDING THE DEFINED AREA TO INCLUDE SIMONTON, FRONT, GREENE, CAROLINE AND WHITEHEAD STREETS AND AN AMENDMENT 70-373 ENTITLED "TIME LIMITS FOR DELIVERIES WITHIN THE HISTORIC DISTRICT" TO PROVIDE FOR AN AMENDMENT EXPANDING THE TIME RESTRICTION TO ALL OTHER PORTIONS OF THE HISTORIC DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that the existence of commercial delivery trucks making deliveries within the historic district presents a considerable issue regarding congestion at peak hours of the day; and

WHEREAS, the City of Key West finds that the current ordinance does not sufficiently address the entirety of the problem regarding noise and the manner in which commercial delivery trucks contribute to said noise. Specifically, the current restriction only applies to a limited geographical area of the historic district; and

WHEREAS, the City Commission for the City of Key West finds that the current lack of restrictions concerning commercial deliveries within the historic district for all areas off of

Duval Street and outside of the area currently described in 70-373 as Whitehead Street to Simonton Street and Caroline Street to Front Street creates excessive unwanted noise; and

WHEREAS, the City Commission for the City of Key West finds that there exists extreme pedestrian and vehicular traffic in the afternoon hours within the historic district for which the existence of delivery trucks significantly impedes; and

WHEREAS, the City Commission for the City of Key West finds that the geographical area described at the Duval Street Corridor comprising Whitehead, Front, Greene, Caroline, Duval and Simonton Streets and all intersecting streets therein have a greater need for access to commercial deliveries than the rest of the historic district; and

WHEREAS, an amendment to Sections 70-373 and 70-374 concerning deliveries in the historic district 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 Chapter 70 of the Code of Ordinances is hereby added/amended as follows*:

Sec. 70-372. - Time limits for deliveries ~~on~~ within the Duval Street Corridor.

Except as provided in this division, all commercial truck deliveries ~~on~~ made between Whitehead Street and Simonton Street bordered by the Atlantic Ocean and the Key West Harbor, and the entire lengths of Front, Greene and Caroline Streets, including all intersecting streets therein ~~Duval Street~~ shall occur between the hours of 6:00 a.m. and 2:00 p.m. It shall be unlawful for an owner or driver of a truck to deliver goods or merchandise ~~on~~ within the Duval Street Corridor except within the designated hours.

Section 2: That Chapter 70 of the Code of Ordinances is hereby added/amended as follows*:

Sec. 70-373. - Time limits for deliveries within historic district.

Along the perimeter of and within the following area of the historic district, except on Duval Street as provided in section

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*(Coding: Added language for 1st reading is underlined, for 2nd reading is double underlined; deleted language for 1st reading is ~~struck through~~, for 2nd reading is ~~double stricken through~~.)

30-372, all commercial truck deliveries shall occur between the hours of 7:00 a.m. and ~~12:00 noon~~ 3:00 p.m.~~: Whitehead Street to Simonton Street and Caroline Street to Front Street~~. It shall be unlawful for an owner or driver to deliver goods or merchandise in this area except within the designated hours.

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 22nd day of February, 2012.

Read and passed on final reading at a regular meeting held this 6th day of March, 2012.

Authenticated by the presiding officer and Clerk of the Commission on 7th day of March, 2012.

Filed with the Clerk March 7, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

OFFICE OF THE CITY ATTORNEY

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THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West
From: Ronald Ramsingh, Assistant City Attorney
Date: March 2, 2012
RE: Deliveries in the Historic District ordinance revision 2nd reading

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Mr. Mayor and Commissioners:

There has been one proposed change to this ordinance between first and second readings. The proposed change is to include Front, Greene and Caroline Streets within the Duval Corridor (Sec. 70-372), as those streets also experience a high volume of large commercial delivery trucks. Otherwise, there are no other changes.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Ron Ramsingh
Assistant City Attorney

= Sec. 70-373 Regulations for Historic District

= §70-372 - Duval Corridor.