

ORDINANCE NO. 07-05

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING ARTICLE VIII, "OFF-PREMISES CANVASSING", SECTION 18-412 "DEFINITIONS" TO AMEND THE DEFINITION OF OFF-PREMISES CANVASSING AND TO ADD THE DEFINITION OF TRADITIONAL COSTUMED PRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

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

Section 1: That Section 18-412 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-412 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any commercial activity in which any real property, goods or services are sold or offered for sale, performance for lease, or for rent within the corporate city limits as defined by the Charter.

Edibles means any food or beverage intended for human consumption.

Goods means any tangible item, including edibles.

Historic district means all of that portion of the city located west of White Street between the Atlantic and Gulf of Mexico.

Off-premises canvassing means distribution of information or solicitation of customers on publicly owned property in connection with a business, excluding peddling as defined in section 18-541, ~~and~~ activities licensed pursuant to article VI of this chapter pertaining to mobile vendors, and traditional costumed presentations as defined herein. *OPC* means off-premises canvassing.

Sale means any trade or offer of trade for currency, credit, services, or goods.

Services means any work, attraction amenity or act rendered for sale.

Solid waste means garbage, rubbish, refuse, bulky items and other discarded solid or liquid materials, including materials resulting from industrial, commercial, agricultural and community activities.

Traditional costumed presentations means the appearance of performers, dressed in the same traditional costume worn during performance, on the sidewalk immediately abutting the

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

licensed entertainment establishment at which the performance is presented. In order to be considered a traditional costume, the performer's garb must be readily identifiable by the general public as the characteristic garb worn by entertainers who performed at the same entertainment establishment in the historic district prior to 1987 .

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.

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

Read and passed on first reading at a regular meeting held
this 5 day of June, 2007.

Read and passed on second reading at a regular meeting held
this 20 day of June, 2007.

Authenticated by the presiding officer and Clerk of the
Commission on 20 day of June, 2007.

Filed with the Clerk June 20, 2007.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK