

ORDINANCE NO. 06-08

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES  
ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY  
AMENDING SECTION 6-2 TO PROVIDE FOR AN APPEAL  
TO THE CITY MANAGER OF A STREET PERFORMER OR  
STREET ARTISTS PERMIT DENIAL; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE

WHEREAS, the City Commission finds that an administrative  
appeals process for a permit denial would promote the health,  
safety and welfare of the citizens of Key West;

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

Section 1: That Section 6-2 of the Code of Ordinances is  
hereby amended as follows\*:

**Sec. 6-2. Permit required; application;  
appeal.**

\* \* \* \*

(e) A person who misses the application deadline set forth in  
subsection (b) may appeal to the Key West Board of Adjustment  
("BOA") so long as the following criteria are met: (i) the person

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

was approved for a permit for the same proposed activity in the previous year; and (ii) the ground for appeal is a demonstrable hardship directly related to the missed application deadline. The appellant shall file the appeal in writing to the city clerk and pay the standard BOA filing fee. The appeal shall be scheduled for the next available BOA meeting.

(f) A person whose permit application is denied for a reason other than that set forth in subsection (e) may appeal to the city manager for review of the denial. The appellant shall file the appeal in writing to the city clerk on or before ten (10) days from the date of the denial. The city manager shall provide notice and opportunity to be heard. The ten-day appeal period shall not apply to applications denied in December of 2005.

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 All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 21st day of March, 2006.

Read and passed on final reading at a regular meeting held this 4th day of April, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 5th day of April, 2006.

Filed with the Clerk April 5, 2006.

  
MORGAN McPHERSON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK