ORDINANCE NO. 08-21

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18, ARTICLE VI OF THE CODE OF ORDINANCES ENTITLED "MOBILE VENDORS" BY AMENDING SECTION 18-324 TO CLARIFY THE DEFINITION OF RESTRICTED AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City of Key West recognizes the area known as Clinton Square to be highly congested with pedestrian and vehicular traffic; and

WHEREAS, The City of Key West recognizes the increased pedestrian traffic that mobile vendors create; and

WHEREAS, a more detailed area of prohibition is in the public's best interest and necessity, and promotes the public health, safety, and welfare.

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.

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c. HMDR, HRO, HHDR and HNC-1, 2, 3, from 8:00 a.m. until 8:00 p.m.; and HCT, HRCC-1, 2, 3, (as limited in subsection (14)) from 8:00 a.m. until 5:00 a.m., except

that no person shall conduct or offer to conduct any business sale of goods or services on Duval Street (from Florida Bay to the Atlantic Ocean), and on Front Street, including any and all sidewalks, parking lots, and other public property adjacent to Duval Street or Front Street; including that area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point one hundred feet south of Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street provided, however that a mobile vendor's license shall operate in an historic zoning district only after the historical architectural review commission has approved the appearance of the mobile vendor's license holder's vehicle(s) and/or displays;

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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

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

shall be deemed severable there from 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 18th day of November, 2008.

Read and passed on final reading at a regular meeting held this 2nd day of December, 2008.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of December, 2008.

Filed with the Clerk December 3, 2008.

MORGAN McPHERSON, MAYOR

Cheryl Smith

CHERYL SMITH, CITY CLERK