

ORDINANCE NO. 13-03

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "OFF PREMISE CANVASSING" BY AMENDING SECTION 18-413 PENALTIES TO PROVIDE FOR AN AMENDMENT ALLOWING VIOLATIONS TO BE PUNISHABLE BY SECTION 1-15; 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 unlicensed and illegally placed off-premise canvassers inherently attract audiences that congests the public area thereby creating a hazard to public health, safety and welfare of pedestrian passersby, and it is the intent of the City Commission for the City of Key West to amend the Off Premise Canvassing Ordinance to provide a further deterrent of same; and

WHEREAS, the City of Key West finds that the existence of unlicensed and illegally placed off-premise canvassers creates a hazard to public health, safety and welfare for the citizens and visitors of Key West by creating further litter in said areas;

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

Section 1: That Chapter 18 of the Code of Ordinances is hereby added/amended as follows\*:

**Sec. 18-413. - Penalty for violation.**

Violations of this article shall be punishable ~~by a civil fine up to \$500.00 and shall be enforceable as provided article VI of chapter 2~~ pursuant to Sec. 1-15.

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

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

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 20 day of February, 2013.

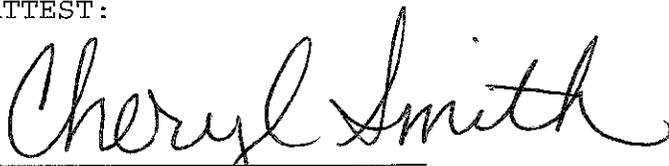
Read and passed on final reading at a regular meeting held this 5 day of March, 2013.

Authenticated by the presiding officer and Clerk of the Commission on 6 day of March, 2013.

Filed with the Clerk March 6, 2013.

  
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CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

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# EXECUTIVE SUMMARY

To: The City Commission for the City of Key West  
From: Ron Ramsingh, Assistant City Attorney  
Date: January 16, 2013  
RE: Ordinance revision to Sec. 18-413 Penalties for Off-Premise Canvassers

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**Action statement:**

A proposed ordinance revision to Sec. 18-413 to expand the possible penalties to include Sec. 1-15. This revision is sponsored by the City Manager.

**Background:** Currently the penalty provision for off-premise canvassing is limited to the jurisdiction of the Special Magistrate pursuant to Article VI, Ch.2 of the City of Key West Code of Ordinances. The problem that the city encounters is that presently, there are numerous unpermitted off-premise canvassers operating during hours in which code compliance officers are not working; usually very late at night and early morning hours. This revision allows for KWPD officers to address the issue via either civil citation in county court, or arrest pursuant to Sec. 1-15 of the City of Key West Code of Ordinances as well as FL Statute 901.15(1), consistent with other municipal ordinance violations such as open container, beach after hours or obstruction of sidewalks.

**Recommendation:** To approve the proposed ordinance revision to allow KWPD officers to arrest or issue citations to off-premise canvassers when code officers are unavailable.

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