

ORDINANCE NO. 14-20

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26, OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING SECTION 26-96 "DEFINITIONS" TO INCLUDE THE UPLAND AREAS OF REST BEACH, AIDS MEMORIAL PARK AND WHITE STREET PIER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously amended chapter 26 entitled Environment to create the park rules ordinance in 2011; and

WHEREAS, the City Commission for the City of Key West created Sec. 26-101 wherein rules for said parks could be changed via Resolution, however, the area known as Rest Beach, The AIDS Memorial Park, and White Street Pier was not included as a defined park, rather it is currently considered a beach and the pier is not considered at all; and

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

Section 1: That Section 26-96 of the Code of Ordinances is hereby amended as follows*:

Sec. 26-96. - Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing more than one-half (0.5) percent alcohol or more by weight.

Open container means any receptacle or container immediately capable of being consumed from by a person or which has been opened or a seal broken or the contents of which have been partially removed.

Public park means Indigenous Park, Cozumel Park, Bill Butler Park, Little Hamaca Park, Nelson English Park, Bay view Park, Mallory Square, Mallory Dock, Wickers Field, Clayton Sterling Fields, that portion of Peary Court leased by the city, White Street Pier, the AIDS Memorial park, the upland area of Rest Beach from the mean high tide waterline to the curb of Atlantic Boulevard, and the community pool, the area commonly known as the Truman Waterfront owned by the City of Key West, and all designated city pocket parks.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ for first reading; Added language is double underlined; deleted language is ~~double struck through~~ for second reading.

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 18th day of November, 2014.

Read and passed on final reading at a regular meeting held
this 2nd day of December, 2014.

Authenticated by the presiding officer and Clerk of the
Commission on 3rd day of December, 2014.

Filed with the Clerk December 3, 2014.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>



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

Rev. 2 (RR)

Date: November 3, 2014

RE: Ordinance revision to Sec. 26-96 Use of Parks in City Property; Definitions

Action statement:

A proposed ordinance revision to Sec. 26-96; (Definitions) to the Use of Parks on City Property ordinance to include Rest Beach, White Street Pier and the AIDS Memorial Park as a defined city park. This revision is sponsored by Mayor Cates.

Background: In 2011, Mayor Cates sponsored a host of ordinance revisions to address numerous inconsistencies within the various ordinances that deal with vagrancy issues. Specifically, Sec. 26-101; Park Rules, was enacted in 2012 to help staff implement and enforce rules in our numerous parks that deal with such issues. Rest Beach has always qualified as a beach under Sec. 26-61. While there are numerous regulations that apply to beaches, the park rules that address racking bicycles and prohibiting individuals from lying on benches and tables do not apply to Rest Beach. According to quality of life police officers with the KWPD, since the implementation of the 2011 and 2012 ordinances, these types of otherwise prohibited activities in parks have increased considerably at Rest Beach. This is a particular concern due to the very limited number of benches and covered areas at this particular park. Additionally, White Street Pier and the AIDS Memorial Park have never adequately fit into the definition of *parks* and this measure would correct that as well.

Recommendation: To approve the proposed ordinance revision to allow KWPD officers to enforce the Park Rules ordinance at Rest Beach, White Street Pier and the AIDS Memorial Park.
