

ORDINANCE NO. 15-09

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES" BY AMENDING SECTION 18-701, TO AMEND THE DEFINITION OF A COSMETIC RETAILER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to clarify the definition of a "cosmetic retailer;" and

WHEREAS, an amendment to the section 18-701 of the Code of Ordinances will promote the welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Section 18-701 of the Code of Ordinances is hereby amended as follows\*:

Sec. 18-701. - 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:

*Cosmetic retailer* means any business, person or firm that offers for sale cosmetic products in an amount over \$75.00 U.S. Dollars, or who offers cosmetic product samples wherein said samples are applied on customers in any form, with or without an associated fee. The cosmetic retailer and his, her or its employees and agents also constitute the "permit holder" hereunder.

*Customer* means any person entering upon the business premises of or engaging in discussion with a cosmetic retailer for the purpose of inquiring about cosmetics offered for sale, sampling, or negotiating a purchase, or actual purchasing cosmetics held for sale by a cosmetics retailer.

*Historic district* shall mean all property located within the following zoning districts of Key West: HRO, HRCC-1, HRCC-2, HRCC-3, HRCC-4, HMDR, HHDR, HNC-1, HNC-2, HNC-3, HCT, HCL, HPS, HPS-1 and HPRD.

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

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 5th day of May, 2015.

Read and passed on final reading at a regular meeting held this 19th day of May, 2015.

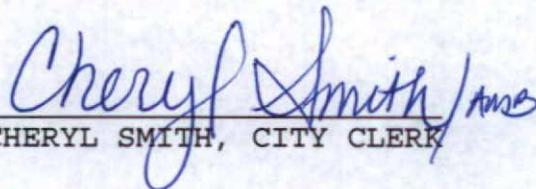
Authenticated by the presiding officer and Clerk of the  
Commission on 20th day of May, 2015.

Filed with the Clerk May 20, 2015.

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

  
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MARK ROSSI, VICE MAYOR

ATTEST:

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



# THE CITY OF KEY WEST

## Executive Summary

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To: Jim Scholl, City Manager  
From: Jim Young, Director of Code Compliance JJ  
Date: April 8, 2015  
Subject: Amendment to Cosmetic Retailer Ordinance

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### **Action statement:**

This measure proposes to amend chapter 18 of the code of ordinances regarding the definition of a cosmetic retailer.

### **Background:**

On June 14, 2014 the Cosmetics Ordinance was adopted. During a recent complaint and subsequent investigation conducted by the City it was discovered in the definition section of the ordinance there was not a nexus to cite the employee(s) of the cosmetic retail permit holder.

### **Options:**

1. To approve the proposed ordinance revision which will include employees in the definition of cosmetic retailer.
2. To defeat the proposed ordinance amendment.

### **Recommendation:**

To approve the proposed ordinance revision.

## ARTICLE XIII. - COSMETICS

### Sec. 18-701. - Definitions.

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Permit holder means cosmetics retailer.

(Ord. No. 14-11, § 1, 6-17-2014)