

Revised for  
Second Reading  
February 7, 2006

ORDINANCE NO. 06-03

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 APPEALS  
BASED UPON HARDSHIP BY STREET PERFORMERS AND  
STREET ARTISTS WHO HAVE MISSED A RE-  
REGISTRATION DEADLINE; AMENDING SECTION 6-5 TO  
REQUIRE THAT DISPLAY OF PERMITS BE CLEARLY  
VISIBLE; PROVIDING FOR SEVERABILITY; PROVIDING  
FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that a further refining of  
the Street Performers and Street Artists Ordinance 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.**

\* \* \* \*

(e) ~~The city commission shall undertake a public review of  
the ordinance one year after its effective date.~~ 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

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

following criteria are met: (i) the person 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.

Section 2: That Section 6-5 of the Code of Ordinances is hereby amended as follows:

**Sec. 6-5. Display of permits, prices.**

(a) Permits "A" and "B," as applicable, shall be displayed at the performance or art vending location at all times. The permit must contain a photograph of the permit holder. The permit shall be clearly visible.

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Section 3. 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 4. 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 5. 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 January, 2006.

Read and passed on final reading at a regular meeting held this 7th day of February, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 8th day of February, 2006.

Filed with the Clerk February 8, 2006.

  
MORGAN MCPHERSON, MAYOR

ATTEST:  
  
CHERYL SMITH, CITY CLERK