

ORDINANCE NO. 06-02

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING SECTION 18-88 TO EXTEND THE CITY MANAGER'S ALCOHOLIC BEVERAGE VARIANCE PROCEDURE TO PROPERTY OWNED BY A COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that extending the alcoholic beverage variance procedures to CRA properties would serve to 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 18-88 of the Code of Ordinances is hereby amended as follows*:

Sec. 18-88. Exceptions.

* * * *

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

(b) The city manager may issue temporary variances from the provisions of section 18-87 to allow the sale/possession and consumption of alcoholic beverages on property owned by or under lease to the city or a community redevelopment agency; provided, however, that any such variance shall:

* * * *

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 All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 4 day of January, 2005.

Read and passed on final reading at a regular meeting held this 18 day of January, 2005.

Authenticated by the presiding officer and Clerk of the Commission on 19 day of January, 2005.

Filed with the Clerk January 19, 2005.


MORGAN McPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK