

ORDINANCE NO. 06-21

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTIONS 2-381 AND 2-386 TO ALTER THE PORT ADVISORY BOARD'S DUTIES IN ORDER TO FOCUS THOSE DUTIES ON THE DEVELOPMENT OF A PORT MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission desires to re-direct the focus of the Port Advisory Board; and

WHEREAS, the proposed amendment to the ordinance governing the Port Advisory Board 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 2-381 of the Code of Ordinances is hereby amended as follows*:

Sec. 2-381. ~~Established, general duties.~~

There is established a port advisory board. It shall advise the city commission on policies and plans that will shape the future of the city's waterfront. ~~the management, fiscal operations and facilities of the city's cruise ship and passenger port. It shall~~

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

~~also advise the city commission on harbor and Garrison Bight marina issues.~~

Section 2: That Section 2-386 of the Code of Ordinances is hereby amended as follows:

Sec. 2-386. Duties.

~~(a) The port advisory board shall review and advise the city commission on management, fiscal operations and facilities of the port, including those related to cruise ships, ferry boats and other passenger vessels, and all operations incidental to their docking. The board shall also advise the city commission on issues related to the use of the harbor, Garrison Bight marina, and the development of mooring fields. The board may provide advice to the city manager on rate and fare matters, environmental matters, contracts and leases, cruise ship passenger shuttle operations, cruise ship scheduling, the appropriate use of piers, and relations with the United States Navy with respect to its port interests in the Truman Annex harbor. The duties of the board shall not overlap those of the Key West Bight District Management Board.~~

The port advisory board shall recommend to the city commission and the city manager plans and policies for the waterfront of the city of Key West. At its first meeting subsequent to the adoption of this ordinance, the board shall re-adopt goals and a mission

statement consistent with this section. The primary duty of the board shall be to prepare a Port Master Plan consistent with the Key West Comprehensive Plan and, from time to time, to update that plan. The board shall plan for the water's edge and the water environment of Key West, and give attention to the future of marinas, mooring fields, ferries and other maritime uses of the port of Key West. The board shall take into consideration community concerns, particularly those of the various local constituencies of the waterfront. The duties of the board shall not overlap with that of the Key West Bight management district board.

~~(b) When so delegated by the city manager or the city commission, the port advisory board may conduct administrative hearings to resolve disputes related to maritime operations of the port. In such event, the board may make recommendations to the city manager or the city commission, as applicable. All board hearings shall be consistent with due process. The city attorney shall provide the board with a set of hearing procedures.~~

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 3 day of October, 2006.

Read and passed on final reading at a regular meeting held this 17 day of October, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 18 day of October, 2006.

Filed with the Clerk October 18, 2006.



MORGAN McPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK