

ORDINANCE NO. 08-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE IV AND ADDING DIVISION 6 ENTITLED "EMPLOYEE ASSISTANCE PARKING PROGRAM" PROVIDING FOR DEFINITIONS, LICENSURE, REQUIREMENTS, PROHIBITIONS AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City of Key West has recognized a shortage of available parking spaces, particularly in the Commercial Historic District; and

WHEREAS, The City of Key West has an interest in assisting employees of businesses in the congested Commercial Historic Districts by way of a prepaid parking program; and

WHEREAS, it is not the intention of the City of Key West to otherwise prohibit lawful parking consistent with the City of Key West's Code of Ordinances;

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

Section 1: That Section 70-253 through 70-257 of the Code of Ordinances is hereby created as follows*:

CHAPTER 70 TRAFFIC AND VEHICLES

ARTICLE IV PARKING, STOPPING, & STANDING

DIVISION 6- EMPLOYEE ASSISTANCE PARKING PERMIT PROGRAM IN
HISTORIC DISTRICT.

Sec. 70-253: Definitions

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:

- (a) Commercial Purpose- Any use of a vehicle, the primary purpose of which is to further any business purpose by way of markings, advertisements, or actual use in delivery of goods or services.
- (b) Motor Vehicle- means any vehicle which is self-propelled or otherwise defined in Florida Statutes.
- (c) Commercial Historic District- that area of Key West west of White Street.
- (d) Vehicle- means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks or otherwise defined in

Florida Statutes.

Sec. 70-254: Proof of eligibility; Duration; Application;
Display of decal

In order to be eligible to receive an Employee Assistance
Parking decal in the Commercial Historic District, all
applicants must provide all of the following to the Parking
Collections Division of the City of Key West:

(1) (a) A valid drivers' license

(b) An original notarized letter from the applicant's
employer located within the Commercial Historic
District verifying the applicant's employment within
the Commercial Historic District.

(c) Presentation of the applicant's personal vehicle to
the Parking Collections Division for a photograph of
the applicant's personal vehicle to be attached to
the application.

(d) A valid vehicle registration in the name of the
applicant or corporation to which the applicant is a
principal.

(2) Employee Assistance Parking decals shall be valid for 4
months.

(3) Employee Assistance Parking decals shall only be
applied by the Parking Collections Division.

Sec. 70-255: Program; Costs; Reclamation

Decals shall be valid for four (4) months and shall cost \$400.00 tax included. All Employee Assistance Parking decals are considered property of the City of Key West. Fees are non-refundable and not pro-rated. All expired decals must be returned to the City of Key West Parking Collections Division prior to the issuance of a renewal decal.

Sec. 70-256: Prohibitions

- (a) It shall be unlawful for any person to fraudulently represent that he or she is entitled to an Employee Assistance Parking Program decal, or to display such a decal at any time when he or she is not so entitled.
- (b) It shall be unlawful for any decal to be used on any vehicle for the use of promoting a commercial purpose including, but not limited to deliveries and advertising.
- (c) It shall be unlawful for any person to display an Employee Assistance Parking Program decal in a rental vehicle, as defined in Chapter 320 of the Florida Statutes; or contract vehicles for hire or passenger vehicles for hire as defined in Chapter 78 of the Key West Code of Ordinances. Liability shall be presumed to

be on the part of the business owner, vehicle owner and operator.

Sec. 70-257: Penalties

(a) Violations of any of the provisions under this Division shall be punishable by a fine of \$250.00 if paid via citation to the Parking Collections Division of the City of Key West within 30 days.

(b) Citations that have not been paid within 30 days as well as violations filed by way of a Notice of Code Violation as a repeat offender shall be punishable under Chapter 1-15 of the Key West Code of Ordinances.

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

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.

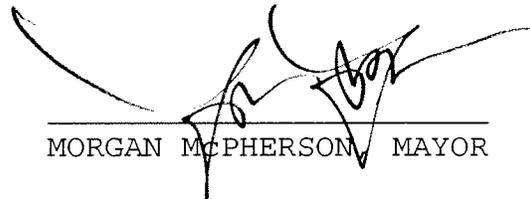
Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a special meeting held this 19th day of August, 2008.

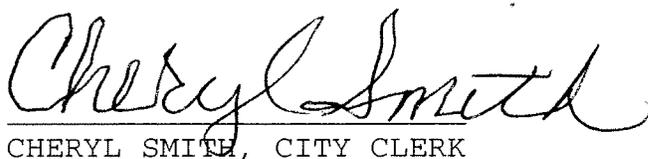
Read and passed on final reading at a regular meeting held this 3rd day of September, 2008.

Authenticated by the presiding officer and Clerk of the Commission on 4th day of September, 2008.

Filed with the Clerk September 4, 2008.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK