

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 70 OF THE CODE  
OF ORDINANCES, ENTITLED "TRAFFIC AND  
VEHICLES", BY AMENDING ARTICLE XIII  
ENTITLED "MOBILE BILLBOARDS" AND BY  
AMENDING SECTION 70-803 ENTITLED  
"DEFINITIONS" PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR  
AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West  
finds that mobile billboard advertisement serves as a  
distraction to other drivers of motor vehicles, bicycles  
and vessels on the densely occupied streets and waters off  
of Key West; and

WHEREAS, the City Commission for the City of Key West  
further finds that this regulation is a permissible time,  
place and manner on commercial speech pursuant to *Showing  
Animals Respect and Kindness et. Al. v City of Hollywood*,  
166 Cal. App. 4<sup>th</sup> 815, Court of Appeal 2<sup>nd</sup> Dist., Div.1,  
California, 2008.: and,

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

Section 1: That Article XIII, Section 70-803 is hereby amended in the Code of Ordinances as follows\*:

CHAPTER 70 - TRAFFIC AND VEHICLES

\* \* \* \* \*

ARTICLE XIII. - MOBILE BILLBOARDS IN GENERAL

**Sec. 70-803. - Definitions.**

Mobile billboard advertising is any advertising of a business, goods, or services ~~for which the mobile billboard owner or operator does not hold a majority ownership interest in~~ that is displayed on a bicycle, vehicle, motor vehicle or vessel that carries, conveys, pulls or transports any sign or billboard for the primary purpose of advertising.

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

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\*(Coding: Added language is underlined; deleted language is struck through at first reading. Added language is double underlined and double struck through at second reading.)

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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.

**REMAINDER OF PAGE LEFT INTENTIONALLY BLANK**

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Filed with the Clerk \_\_\_\_\_, 2024.

Mayor Danise Henriquez	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Donie Lee	_____
Commissioner Monica Haskell	_____

\_\_\_\_\_  
DANISE HENRIQUEZ, MAYOR

ATTEST:

\_\_\_\_\_  
KERI O'BRIEN, CITY CLERK