

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, ADDING CHAPTER 80 OF THE CODE OF ORDINANCES, ENTITLED "CRUISE SHIP REGULATIONS" BY ADDING SECTION 80-1 DEFINITIONS, SECTION 80-2 PROHIBITING POLLUTION OF AIR AND WATER, ESTABLISHING FEES RELATED TO THE FAILURE TO CLEANUP WATER POLLUTION, SECTION 80-3 REQUIRING ENVIRONMENTAL CERTIFICATION, SECTION 80-4 ESTABLISHING A CORAL REEF RESTORATION FUND AND ESTABLISHING A MECHANISM FOR THE FUNDING OF RESTORATION FUND; SECTION 80-5 PASSENGER HEALTHCARE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West is an island with a delicate surrounding environment, including coral reefs; and

WHEREAS, the City Commission finds substantial evidence that unregulated cruise ship operations impact the City of Key West; and

WHEREAS, the City of Key West, seeking to mitigate harm to the environment and coral reefs and to support the highest standards of environmental compliance and health safety, desires to regulate cruise vessels; and

WHEREAS, the City Commission finds that, in the instance of disease outbreak, the volume of cruise ship passengers intending to utilize the City of Key West's medical services would overwhelm the City of Key West's medical infrastructure; and

WHEREAS, the City of Key West finds that this Ordinance to establish rules and regulations for cruise vessels docking at the City of Key West will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Chapter 80 is hereby added to the Code of Ordinances as follows\*:

**CHAPTER 80 -- City of Key West Cruise Ship  
Regulations.**

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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.)

**Sec. 80-1. Definitions.**

As used herein, the following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

"Vessel" shall mean a cruise ship holding more than five hundred (500) passengers and such cruise ship's owner(s).

"Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

"Waterways of City of Key West" shall mean the water six hundred (600) feet into the tidal waters adjacent to the City of Key West's corporate limits.

**Sec. 80-2. Pollution of air and water.**

(1) It shall be unlawful for any vessel to deposit, place or discharge into the waterways of the City of Key West, any ballast, dunnage, untreated sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residuum of gas, calcium, carbide, trade waste, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment

or obstruction on the bottom of the waterways, or odors or gases of putrefaction.

(2) All appropriate federal, state and local laws, rules or regulations pertaining to air and water pollution shall be rigidly observed. In the event of a vessel pollutant discharge into the waterways of the City of Key West, the vessel responsible for the discharge shall take immediate action to clean up the discharge. Cleanup is to be accomplished in the shortest time possible, using industry approved methods, so as to limit in every way possible, damage to the environment. In any instance where it is determined by the City of Key West that cleanup efforts are not being undertaken in a timely and/or adequate manner by the responsible vessel, the City of Key West may order resources, as necessary, to commence and complete the pollutant discharge cleanup. In such cases, the full cost of the cleanup plus an administrative fee of 15% of the cost of cleanup will be charged to the responsible vessel.

(3) Full payment of the cleanup costs, including administrative fee, must be paid by vessel before the vessel will be permitted to sail from the City of Key West. In instances where a vessel is prohibited from sailing due to failure to pay cleanup costs and administrative fee as

prescribed by this section, an additional one thousand (\$1,000) dollar per-day pollutant discharge cleanup management fee will assessed until such time as vessel sails from the City of Key West.

(4) In the event any oil or hazardous substance is discharged or released into or upon the waterway of the City of Key West, in a harmful or reportable quantity, the responsible party shall immediately notify the National Response Notification Center.

**Sec. 80-3. Environmental certification.**

Vessels docking at the City of Key West shall participate in the "Green Marine" environmental certification program with the intent to establish and then reduce environmental footprint by demonstrating year-over-year improvements in measurable ways. Vessels shall obtain and maintain "Green Marine" environmental certification. Failure to obtain such certification within three (3) years of the adoption of this Ordinance, and/or failure to maintain such certification thereafter, will result in the prohibition of such vessels from docking at ports at the City of Key West, until such time as the certification is obtained or reinstated.

**Sec. 80-4. Coral Reef Restoration.**

The City of Key West shall establish a coral reef restoration fund for the restoration and maintenance of coral reefs within a distance no more than six hundred (600) feet into the tidal waters adjacent to its corporate limits. The City of Key West shall engage reef restoration experts to restore and maintain such reefs. Fund revenue shall be derived from the administrative fee established in Section 80-2 herein, the pollutant spill cleanup management fee established in Section 80-2(2) and 80-2(3) herein, any cruise ship per-passenger fee assessed by City of Key West commercial pier managers for contribution to reef restoration and any donation made to the City of Key West's coral reef restoration fund.

**Sec. 80-5. - Passenger healthcare services.**

Vessels shall utilize on-board healthcare services regarding the medical needs of its passengers. With the exception of life-threatening emergencies, passengers shall not disembark to utilize healthcare facilities located at the City of Key West. Vessels shall transport any COVID-19 passenger-patient with COVID-19 or other confirmed or suspected highly transmissible illness requiring emergency

medical service, using an isolated emergency transportation method, to a treatment facility outside of the City of Key West.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Filed with the Clerk \_\_\_\_\_, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK