

• **Sec. 26-97. - Possession of open alcoholic beverage containers in city parks.**

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(a)

No person shall drink from any open container containing any alcoholic beverage while in any public park. An open container shall not be considered to be in the possession of a person in any public park if it is in a location not accessible for consumption.

(b)

The city commission may grant variances from this section by resolution adopted by the city commission; provided, however, that any such variance shall require the presence of a security guard during such sale/consumption.

(c)

Prima facie evidence of a violation of this section shall consist of: (1) direct evidence of consumption of an alcoholic beverage while on public or semi-public property or area(s); or (2) evidence demonstrating any indicia of consumption of an alcoholic beverage including, but not limited to: bloodshot eyes, an unsteady gait, slurred speech, or an odor of an alcoholic beverage emanating from one's breath or person based on that officer's training and experience, while in a city park or designated pocket park, and in possession of an open alcoholic beverage container.

(d)

Proof that the beverage in question was contained in a container labeled as "beer," "ale," "malt liquor," "malt beverage," "wine," or "distilled spirits" or with other similar name; and which bears the manufacturer's insignia, name, or trademark shall serve as prima facie evidence that such beverage is an alcoholic beverage. Further, proof that a container contains alcohol, that is not so clearly marked as described herein, shall be established by testimony that the contents or remnants therein is consistent with alcohol through the officer's training and experience including, but not limited to: odor, texture, appearance and color in combination with the officer's observations of the violator, including, but not limited to: bloodshot eyes, unsteady gait, slurred speech, odor of an alcoholic beverage and affect consistent with alcohol consumption.

(Code 1986, § 54.10(b); Ord. No. 11-15, § 3, 10-5-2011; Ord. No. 13-23, § 1, 12-3-2013)

Cross reference— Alcoholic beverages, [§ 18-26](#) et seq.

• **Sec. 26-98. - Cooking and fires.**

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No person shall cook or light or maintain any cooking fire, campfire, or other fire in a public park except in city-approved, designated facilities or structures.

(Code 1986, § 54.10(c))

- **Sec. 26-99. - Restroom facilities closed overnight.**

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Restroom facilities at all public parks shall be closed from sunset to 7:00 a.m., and no person shall enter or use such facilities for any purpose during the hours. The city commission may grant variances from this section by resolution adopted by the city commission.

(Code 1986, § 54.10(d))

- **Sec. 26-100. - Closing hours.**

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All public parks shall be closed during the hours of 11:00 p.m. to 7:00 a.m. No person shall enter or remain in any public park during such hours. The city commission may grant variances from this section by resolution adopted by the city commission.

(Code 1986, § 54.10(e))

- **Sec. 26-101. - Park rules.**

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(a)

Visitors to all city parks as defined in [section 26-96](#) shall abide by the park rules attached as Exhibit A to Resolution No. 15-230.

(b)

The city commission for the City of Key West can amend the park rules by resolution.

(c)

A list of all current rules shall be posted at or near all entrances to all city parks.

(d)

Violations of this section are subject to the penalties contained in [section 1-15](#).

(Ord. No. 12-04, § 1, 2-22-2012; Res. No. 15-230, § 1, 7-7-2015)

• **Sec. 26-102. - Smoking prohibited within city-owned public parks.**

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(a)

It shall be prohibited for any person within the boundaries of any City-owned public park to smoke, burn, ignite, inhale, exhale or possess any cigarette, pipe, or other lighted tobacco product other than an unfiltered cigar.

(b)

It shall be further prohibited for any person within the boundaries of any City-owned public park to use vapor-generating devices (for the inhalation of nicotine, CBD or similar non-prescription substances).

(c)

Any person who violates subsection (a) or (b) commits a noncriminal violation, punishable by a fine of not more than \$100 for the first violation if paid within 10 days and not more than \$500 for each subsequent violation pursuant to the civil citation procedure in [Ch. 2](#), Article VI, Division 3 of the Code of Ordinances.

(Ord. No. 23-08, § 1, 2-7-2023)