

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 18 OF THE CODE
OF ORDINANCES ENTITLED "BUSINESSES" BY
AMENDING ARTICLE VI ENTITLED "MOBILE
VENDORS", SECTION 18-325
"TRANSFERABILITY" TO AFFORD EQUAL RIGHTS
TO REGISTERED DOMESTIC PARTNERS AS
PROVIDED FOR SPOUSES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR
AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West
has long respected and recognized rights of registered
domestic partners; and

WHEREAS, the City Commission for the City of Key West
finds that an amendment to Sec. 18-325(c) of the Code of
Ordinances is required to permit the transfer of a mobile
vendor's license to the surviving domestic partner on the
same basis as permitted for a surviving spouse.

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

Section 1: That Chapter 18-325(c) of the Code of Ordinances is hereby added/amended as follows*:

Sec. 18-325. - Transferability.

(c) *Transfer to surviving spouse or registered domestic partner.* Upon the death of the holder of an active valid mobile vendor's license, the mobile vendor's license may be transferred to the surviving spouse or registered domestic partner not holding a separate mobile vendor's license. Intent to so transfer must have been documented by the mobile vendor's license holder while still living by means of a will, trust document, or other statement of intent to transfer meeting all statutory requirements for validity at the time of execution. In order to obtain transfer, the surviving spouse or registered domestic partner must make a written request to the city manager within 45 days of the death of the mobile vendor's license holder, accompanied by a copy of the death certificate and a copy of the will, trust document,

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

or other statement of intent referred to in this subsection. Prior to issuance of the transfer, the surviving spouse or registered domestic partner shall provide the information and payments required by sections 18-318(a) (1) through (8) to the city manager. The surviving spouse or registered domestic partner shall comply with all sections of this article.

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 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.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2019.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2019.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2019.

Filed with the Clerk _____, 2019.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK