

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 22 OF THE CODE
OF ORDINANCES ENTITLED "CEMETERIES" BY
REPEALING SECTION 22-11 - "FIREARMS";
PROVIDING FOR SEVERABILITY; PROVIDING FOR
REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission finds that
section 790, Florida Statutes, which addresses ownership,
possession, storage and transportation of firearms,
preempts section 22-11 of the Key West Code of Ordinances;
and

WHEREAS, the Key West City Commission finds that
amending Chapter 22, to repeal section 22-11 would serve to
promote the welfare of the citizens of Key West;

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

Section 1: That Section 22-11 of the Code of
Ordinances is hereby repealed.

~~22-11 Firearms.~~

~~No firearms shall be permitted within the cemetery except
with permission from the management; provided, however,
that a police officer on duty may carry a firearm into the
cemetery. Honor guard rifle teams for military or law
enforcement burials are exempt from this regulation~~

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 _____, 2011.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2011.

Filed with the Clerk _____, 2011.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK