

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING SECTION 18-477 "DESIGNATION OF OFFICER OR AGENT OF CORPORATION," TO AMEND SECTION (b) TO INCORPORATE A REFERENCE TO FIREARMS AS GOVERNED BY FLORIDA STATUTE CHAPTER 790; BY AMENDING SECTION 18-480 - "FAILURE TO MAKE REPORT" TO INCORPORATE A REFERENCE TO FLORIDA STATUTE CHAPTER 790; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission finds that Chapter 790, Florida Statutes, which addresses ownership, possession, storage and transportation of firearms, preempts parts of sections 18-477(b) and 18-480 of the Key West Code of Ordinances, which substantially regulate pawnbrokers and metal dealers regarding the purchase, trade, acquisition and reporting of merchandise, including firearms; and

WHEREAS, the Key West City Commission finds that amending Chapter 18, by amending sections 18-477(b) and 18-480 would make such ordinances consistent with state law;

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

Section 1: That section 18-477(b) of the Code of Ordinances is hereby amended as follows*:

Sec. 18-477. - Designation of officer or agent of corporation.

(b) No officer, agent, servant or employee of any such corporate dealer shall purchase, trade for, pawn, or acquire from any minor any secondhand jewelry, furniture, clothing, radio, musical instrument, ~~pistol, revolver, one-hand firearm,~~ blackjack, metallic knuckles, handcuffs, or other similar equipment used primarily by police officers, except firearms, as governed by Florida Statutes Chapter 790, and other secondhand goods, wares, merchandise and materials, unless such officer, agent, servant or employee shall have been designated by such corporate dealer in the manner provided in this section and shall have consented in writing in the presence of and to the chief of police to such designation.

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

Section 2: That section 18-480 of the Code of Ordinances is hereby amended as follows:

Section 18-480. Failure to report; falsely describing articles

Any metal dealer, founder or any dealer in secondhand jewelry, furniture, clothing, radios, musical instruments, ~~pistols, revolvers, one hand firearms,~~ blackjacks, metallic knuckles, handcuffs, or other similar equipment used primarily by police officers, except firearms, as governed by Florida Statutes Chapter 790, and other secondhand goods, wares, merchandise and materials who shall fail to make the report required by section 18-479 or who falsely described any such secondhand articles so purchased, traded for, pawned to or acquired shall be guilty of a violation and upon conviction thereof the license of such dealer shall thereupon be revoked and cancelled.

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 _____, 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