

ORDINANCE NO. 11-05

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES" BY AMENDING SECTION 22-16, "USE OF THOROUGHFARES", TO DEFINE BONA FIDE VISIT; DEFINING EXCEPTIONS PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to City Code section 22-16, the City Cemetery may not be used as a thoroughfare unless in conjunction with a bona fide visit.

WHEREAS, prior to the enactment of section 22-16, the City Commission approved resolution 96-116, which authorized a bicycle route through the City cemetery; and

WHEREAS, a formal bike route was never designated and the subsequent adoption of ordinance section 22-16 prohibited the use contemplated by resolution 96-116.

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

Section 1: That section 22-16 of the Code of Ordinances entitled is hereby amended as follows\*:

**Sec. 22-16 Use as thoroughfares**

It shall be unlawful for any person to use the streets and avenues within the city cemetery as thoroughfares or as a place for conducting business, when such use is not in connection with a bona fide visit to the cemetery; or in connection with the

performance of work or duty therein as authorized by the city manager or his/her designee. It shall be considered a bona fide visit under this section if such person traverses the cemetery by foot, wheelchair or bicycle for their individual appreciation of the surroundings. Notwithstanding the foregoing, the City Sexton or his designee is authorized to temporarily close or limit access through cemetery gates for ~~reasonable periods of time~~ one hour before, during and one hour after funeral and remembrance services for the express purpose of providing for the peacefulness of attendees. Additionally, except as provided above, the Frances Street Gate shall remain open during cemetery hours.

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\* (Coding: Language added for initial introduction is underlined; language added at first reading is double underlined; language deleted at first reading is ~~double struck through~~.)

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 15th day of February, 2011.

Read and passed on final reading at a regular meeting held this 1st day of March, 2011.

Authenticated by the presiding officer and Clerk of the Commission on 2nd day of March, 2011.

Filed with the Clerk March 2, 2011.

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK