ORDINANCE NO. 1374

AN ORDINANCE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING SECTION 3-10, ENTITLED "HOURS DURING WHICH SALES ARE ALLOWED; CONSUMPTION," TO MODIFY THE HOURS DURING WHICH SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES ARE ALLOWED ON SUNDAY; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, under state laws regulating the sale of alcoholic beverages, the City of North Miami ("City"), is authorized to establish the hours of operation for alcohol sales and consumption; and

WHEREAS, the City Code of Ordinances ("Code") currently prohibits the sale of alcoholic beverages on Saturdays between the hours of 2:00 a.m. and 7:00 a.m. and between the hours of 2:00 a.m. and 1:00 p.m. on Sundays; and

WHEREAS, the City Code of Ordinances currently prohibits the consumption of alcoholic beverages on Saturdays, between the hours of 2:30 a.m. and 7:00 a.m., and between the hours of 2:30 a.m. and 1:00 p.m. on Sundays; and

WHEREAS, the City is desirous of amending its Code regarding the hours of operation for alcohol sales to allow for the sale and consumption of alcohol on Sundays to be identical with the hours on Saturdays; and

WHEREAS, the City Council believes that it is in the best interest of the City and its residents to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. **Amendment to City Code.** Chapter 3 of the City Code of Ordinances entitled "Alcoholic Beverages" is amended to read as follows:

CHAPTER 3. ALCOHOLIC BEVERAGES

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Sec. 3-10. Hours during which sales are allowed; consumption.

(a) It shall be unlawful for any person to purchase and for any licensee and any manager, agent or employee of any licensee to sell, serve or distribute in any form or by any method any alcoholic beverage between the hours of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday~~;~~ and ~~between the hours of 2:00 a.m. and 1:00 p.m. on~~ Sunday.

(b) It shall be unlawful for any person to consume and for any licensee and any manager, agent or employee of any licensee to permit a person to consume any alcoholic beverage, in any place of business between the hours of 1:30 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday; and between the hours of 2:30 a.m. and 7:00 a.m. on Saturday~~;~~ and ~~between the hours of 2:30 a.m. and 1:00 p.m. on~~ Sunday.

(c) The provisions of subsections (a) and (b) of this section shall apply to any licensee under the state beverage law and to any premises licensed under such law. The city council may extend the above hours of sale for alcoholic beverages for consumption on or off the premises on special occasions by resolution.

(d) No alcoholic beverages shall be sold in restaurants or cafeterias after the hours of serving food.

Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4-0 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on first reading this 10th day of June, 2014.

PASSED AND ADOPTED by a 4-0 vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, on second reading this 24th day of June, 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime	x (Yes)	____ (No)
Councilperson Scott Galvin	x (Yes)	____ (No)
Councilperson Carol Keys, Esq.	x (Yes)	____ (No)
Councilperson Marie Erlande Steril	x (Yes)	____ (No)

Additions shown by <u>underlining.</u> Deletions shown by ~~overstriking~~.