

ORDINANCE NO. 325

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE LICENSING IN SAID CITY OF THE MANUFACTURE, TRANSPORTATION AND SALE OF MALT AND VINOUS BEVERAGES COMMONLY KNOWN AS BEER, PORTER, ALE, WINE OR FRUIT JUICES, AND SUCH SIMILAR BEVERAGES AS ARE NOT PROHIBITED BY THE LAWS OF THIS STATE; PRESCRIBING LICENSE FEES FOR SAID MANUFACTURE, TRANSPORTATION AND SALE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That any person, association of persons, or corporation, before engaging in the business of manufacturing, selling, bartering or exchanging or in anywise dealing in or causing or being concerned in the manufacture, sale, barter, or exchange of any malt or vinous beverages commonly known as beer, porter, ale, wine or fruit juices, containing more than one half of one per centum of alcohol, as are not prohibited by the laws of the State, shall before engaging in any such business in the City of Miami Beach file under oath with the Tax Collector of said City a written or printed application for a license to conduct such a business, said application to be made upon forms to be provided by said Tax Collector.

Such application shall state the character of business to be engaged in, whether as manufacturer, distributor, or vendor and whether it is proposed to sell said beverage at wholesale or retail, the location of said place of business and such other information as required by the Tax Collector to determine the amount of the license fee hereunder. The applicant shall definitely request a license either as a manufacturer, a distributor or a vendor. Any applicant may receive a license as a manufacturer and distributor but no license shall be issued to a manufacturer or distributor as a vendor, nor shall any license be issued to a vendor as a manufacturer or distributor. Upon receipt of such application and the license tax herein provided and compliance by the applicant with all the provisions of this Ordinance and of all State and Federal laws regulating said business, and particularly the payment of all prescribed State and Federal license fees, the Tax Collector shall issue a license to such applicant to conduct such business in accordance with all of the provisions of this Ordinance.

SECTION 2. All licenses herein provided shall be payable on or before the first day of November of each year and all of said licenses shall expire on the last day of October of each year. No license shall be issued for any fractional portion of a year, provided, however, that those engaging in any business covered by this Ordinance who establish permanent places of business in the City of Miami Beach after July 1st may obtain a license for the remaining portion of the fiscal year upon the payment of one-half the fee provided for in this ordinance, and provided further, that all licenses issued hereunder for the fiscal year ending October 31st, 1933, the fee shall be one-half the amount provided in this Ordinance.

SECTION 3. No vendors license shall be issued hereunder for the fiscal year ending October 31st, 1933, except to owners of places of business which were otherwise licensed by the City of Miami Beach on or before May 1st, 1933, except by special permission of the City Council; and no vendors license shall be issued hereunder unless said person, association of persons

or corporation making application therefor shall conduct in conjunction therewith some other additional legitimate business duly licensed in accordance with the provisions of the Occupational License Ordinance of said City.

SECTION 4. Licenses issued hereunder shall not be transferable from the person, association of persons or corporation to whom issued and shall be good only for the location for which same was originally issued.

SECTION 5. Licenses herein referred to shall be classified as follows:

(a) Manufacturers, who shall be licensed to conduct a business of manufacturing the beverages herein referred to and distributing or selling the same at wholesale to either distributors or vendors.

(b) Distributors, who shall, when so licensed, be permitted to distribute the beverages herein referred to at wholesale to vendors but who may not sell any such beverages at retail or to be consumed on their premises.

(c) Vendors shall include all persons, associations of persons or corporations selling the beverages herein referred to at retail and such term shall embrace hotels, restaurants, clubs, stores, and all other places licensed to sell said beverages at retail.

No vendor shall purchase for the purpose of resale any of the beverages herein provided for, from any person, firm or corporation not duly licensed under this Ordinance and all State and Federal laws regulating said business.

SECTION 6. Each vendor shall pay an annual City license fee as follows:

RESTAURANTS AND EATING PLACES

Accommodating less than 15 persons	\$ 10.00
Accommodating 15 to 49 persons	17.50
Accommodating 50 to 99 persons	37.50
Accommodating 100 persons or more	50.00

HOTELS

Less than 30 rooms	10.00
30 to 99 rooms	17.50
100 to 299 rooms	37.50
300 rooms or more	50.00

Where a hotel and restaurant or dining room are jointly operated, only one license fee shall be paid, and that shall be the highest fee applicable to either the hotel or the restaurant.

The definitions of hotels, restaurants, and the like shall be those set out in the rules and regulations governing the State Hotel Commission, or as they shall be amended by the State Legislature.

Stores, shops or similar places of business \$ 7.50.

Clubs, or association of persons of a similar nature, whether incorporated or not incorporated, for profit or not for profit, shall, if they have hotel rooms or their equivalent, or have dining facilities or both, pay the highest rate applicable either to a hotel or restaurant, but shall only pay one license fee. Provided, that Clubs shall pay a minimum City license fee of \$12.50 if they have no hotel rooms or dining facilities.

SECTION 7. (a) Each manufacturer authorized to do business under this Ordinance shall pay a City license fee of Three Hundred Seventy-Five (\$375.00) Dollars per annum for each manufacturing plant or establishment he may operate in the City of Miami Beach, provided, however, that manufacturers engaged exclusively in the production and processing of fruit juices described in this Ordinance shall pay an annual City license fee of One Hundred Twenty-Five (\$125.00) Dollars.

(b) Each distributor or wholesale dealer authorized to do business under this Ordinance shall pay a City license fee of Fifty (\$50.00) Dollars.

SECTION 8. Licenses shall be issued only to citizens of the United States of good moral character, who have not been convicted of any offense involving moral turpitude, and who are not less than twenty-one years of age. Licenses to corporations shall be issued only to corporations whose directors and officers are citizens of the United States and who have not been convicted of any offense involving moral turpitude. There shall be no exemptions from the license taxes herein provided to any person, association of persons or corporation, any other law to the contrary notwithstanding.

SECTION 9. The payment of a license hereunder shall not authorize or legalize in any manner whatsoever the commission of any offense or crime against said City, the County of Dade, the State of Florida, or the United States of America, and any conviction of a licensee hereunder, in any court, for violation of Sections 26, 27 and/or 28 of Ordinance No. 271, of the City of Miami Beach, or of Federal or State prohibition laws, subsequent to the issuance of said license, shall automatically revoke said license.

SECTION 10. No beverages as herein provided for shall be sold or permitted to be sold, delivered, or permitted to be delivered to any person under the age of eighteen years.

SECTION 11. The City of Miami Beach is hereby given full power and authority upon sufficient cause appearing of the violation by any licensee of the provisions of this Ordinance or of the laws of the State to revoke the license of such licensee. Licenses may be revoked for violations of the prohibition laws; for maintaining a nuisance or unsanitary premises, or for engaging in or permitting disorderly conduct on the premises.

SECTION 12. Any person, association of persons, or corporation that shall carry on or conduct any business for which a license is required by this Ordinance, without first obtaining such license, and any person who shall make a false statement, application or oath, pursuant to the provisions of this Ordinance, shall, upon conviction be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 13. Each day that a business is carried on or conducted without first having procured a license therefore, shall be an individual offense punishable as is hereinbefore set forth, provided, however, that if a person however defined, is punished for one such offense, and pays the penalty, and procures a license before further conducting or carrying on of such business, then he shall not be fined for each days failure or omission to have a license for the conduct of such business.

SECTION 14. It shall be the duty of all officers and agents of any corporation to see that such corporation complies with the provisions of this Ordinance; and all officers or agents of any corporation required by this Ordinance to be licensed which shall do business without having paid the License tax imposed and procured such license, shall be subject to the penalties imposed by the foregoing sections upon persons and associations of persons and corporations violating this Ordinance.

SECTION 15. It is hereby made the duty of the City License Officer to investigate all businesses covered by this Ordinance and to make such inquiry as shall be necessary to determine whether they have procured a license or licenses as is herein provided for, and he shall report thereon to the City Manager and City Tax Collector on each of his investigations, and when such license or licenses shall not have been procured, to make arrest of the person or persons violating this Ordinance, and any person refusing said License Officer permission to investigate and inquire for the purpose of determining whether such person has such license, shall, upon conviction, be fined or imprisoned, or both fined and imprisoned, as herein provided, for failure to procure such license.

SECTION 16. It is hereby made the duty of any person conducting a business for which a license is herein required, to post his license in a conspicuous place in or about his place of business where it may be seen upon inspection by any official of said City and for his failure to do so, he shall, upon conviction, be fined or imprisoned, or both, as if he had never procured such license.

SECTION 17. No license shall be issued except in conformity with the Zoning Ordinance, No. 289, as amended.

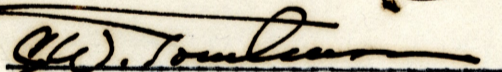
SECTION 18. Should any section or part of this ordinance be held by a court of competent jurisdiction to be invalid for any reason, such fact shall not affect the validity of other parts hereof.

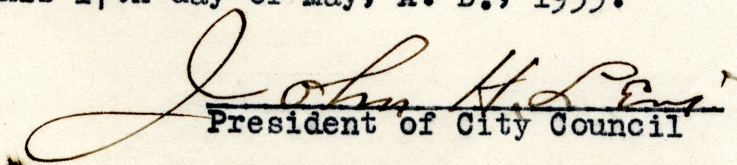
SECTION 19. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 20. This Ordinance shall become effective upon its passage, adoption and posting in accordance with law.

PASSED AND ADOPTED this 17th day of May, A. D., 1933.

ATTEST:


City Clerk


President of City Council

APPROVED this _____ day of May, A. D., 1933.

Mayor

1st Reading, May 3rd, 1933.
2nd Reading, May 3rd, 1933.
3rd Reading, May 17th, 1933.
Posted, May 18th, 1933.

Became a law without approval of the Mayor.

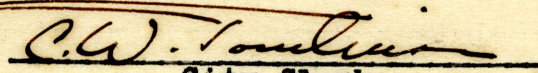


STATE OF FLORIDA)

COUNTY OF DADE)

I, C. W. TOMLINSON, City Clerk in and for the City of Miami Beach, Florida, do hereby certify that Ordinance No. 325 entitled, "AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE LICENSING IN SAID CITY OF THE MANUFACTURE, TRANSPORTATION AND SALE OF MALT AND VINOUS BEVERAGES COMMONLY KNOWN AS BEER, PORTER, ALE, WINE OR FRUIT JUICES, AND SUCH SIMILAR BEVERAGES AS ARE NOT PROHIBITED BY THE LAWS OF THIS STATE; PRESCRIBING LICENSE FEES FOR SAID MANUFACTURE, TRANSPORTATION AND SALE: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE," having been duly passed and adopted by the City Council of the City of Miami Beach, Florida, has been posted by me in three conspicuous places in the City of Miami Beach, one of which was at the door of the City Hall in said City on the 18th day of May, A. D., 1933, and that said ordinance remained posted for a period of at least thirty days in accordance with the requirements of the City Charter of the said City of Miami Beach.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Miami Beach, Florida, on this the 5th day of July, A. D., 1933.


City Clerk



(ORIGINAL)

ORDINANCE NO. 325

fixing licenses for
beer, wine, etc.