

AMENDED - - -
SEE ORDINANCE NO. 406

ORDINANCE NO. 402

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATIONS WHEREIN THE BUSINESS OF THE SALE OF LIQUOR, AS HEREIN DEFINED, MAY BE CONDUCTED; PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF AND PROVIDING FOR THE ENFORCEMENT HEREOF.

WHEREAS, the City Council of the City of Miami Beach, in order to promote the health, peace, morals and general welfare of the citizens and residents of the City of Miami Beach, deems it necessary to regulate and restrict the locations wherein the business of the sale of intoxicating liquors may be conducted;

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

SECTION 1. The term "person" as used in this ordinance shall mean any individual, company, corporation, co-partnership or association.

The term "liquor" as used in this ordinance means and includes any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

The term "vendor" as used in this ordinance shall mean any person, firm or corporation selling or offering for sale, or keeping with the intention of selling liquor as defined herein.

The term "club" as used in this ordinance means and includes persons associated together as a chartered or incorporated club, not for profit, including social clubs incorporated by Orders of the Circuit Court Judges, after their charters have been found to be for the objects authorized by law and approved by said Judges as organized for lawful purposes and not for the purpose of evading license taxes on dealers in beverages, or for the purpose of evading the provisions of this ordinance, which said organizations are bona fide clubs, and at the time of application for license shall have been in continuous active existence and operation for a period of not less than two years in the County where they exist.

The term "restaurant" as used in this ordinance shall mean an establishment where refreshments or meals may be procured by the public and where the chief business is the furnishing of eatables to be consumed on the premises.

The term "service bar" as used in this ordinance shall mean a bar or counter where drinks are prepared solely for the purpose of consumption elsewhere on the same premises by the guests of the establishment of which such bar or counter is a part.

SECTION 2. The City of Miami Beach is hereby divided into Districts as follows: Districts "A", "B", "C", "D", "E", "F" and "G", and the boundaries of such districts are shown on the map attached hereto, which, together with the legends, words, figures, symbols and other explanatory matter thereon, is hereby made a part of this ordinance to the same extent as if all of the matters and information set forth thereon were fully set forth herein.

SECTION 3. In all of the districts mentioned in Section 2, the sale of liquor by licensed vendors is permitted, except as hereinafter limited.

SECTION 4. In "B" District, the sale of liquor for consumption on the premises is prohibited.

SECTION 5. In "C" District, the sale of liquor is prohibited except in Clubs or in Hotels having 50 or more guest rooms.

SECTION 6. In "D" District, the sale of liquor is prohibited except in Clubs or in Hotels having 100 or more guest rooms.

SECTION 7. In "E" District, the sale of liquor for consumption on the premises is prohibited except from service bars in bona fide restaurants.

SECTION 8. In "F" District, the sale of liquor is prohibited except from service bars in bona fide restaurants.

SECTION 9. In "G" District, the sale of liquor is prohibited.

SECTION 10. Each license for the sale of liquor shall have written thereon the restrictions and prohibitions imposed by this ordinance upon the district within which the place of business of the licensee is located.

SECTION 11. Any person violating the provisions of this ordinance shall, upon conviction, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding Ninety (90) days or by both such fine and imprisonment in the discretion of the Municipal Judge and in addition thereto any license issued to such person prior to such violation of this ordinance may be revoked in the discretion of the City Council, without refund of any portion of the license tax or fee.

SECTION 12. The Liquor Inspector is hereby directed to enforce the provisions of this ordinance.

SECTION 13. All ordinances and parts of ordinances in conflict herewith shall be, and the same are, hereby repealed.

SECTION 14. In the event any section, sub-section, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other section, sub-sections, sentences, clauses or phrases of this ordinance which shall be in full force and effect, as fully as if the section, sub-section, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof.

PASSED AND ADOPTED this 16th day of October, A. D., 1935.

Baron De Hirsch Meyer
Vice President of City Council

ATTEST:

[Signature]
City Clerk

APPROVED BY ME THIS *22nd* day of October, A. D., 1935.

[Signature]
Mayor.

1st Reading, September 7, 1935.

2nd Reading, September 7, 1935.

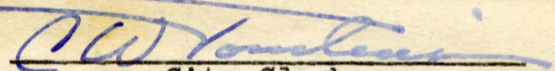
3rd Reading, October 16, 1935.

Posted - *October 22nd, 1935*

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. 402 entitled "AN ORDINANCE REGULATING AND RESTRICTING THE LOCATIONS WHEREIN THE BUSINESS OF THE SALE OF LIQUOR, AS HEREIN DEFINED, MAY BE CONDUCTED; PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF AND PROVIDING FOR THE ENFORCEMENT HEREOF", 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 22nd day of October, A. D., 1935, 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 23rd day of November, A. D., 1935.



City Clerk



(NAL)

ORDINANCE NO. 402

Regulating and restrict-
ing locations wherein liquor
may be sold.