

ORDINANCE NO. 391

AN ORDINANCE PROVIDING FOR AND REQUIRING THE LICENSING OF ALL PERSONS, FIRMS AND CORPORATIONS SELLING, MANUFACTURING OR RECTIFYING LIQUORS AND BEVERAGES CONTAINING ALCOHOL; DEFINING CERTAIN TERMS AS SET FORTH HEREIN; PROVIDING THAT NO LICENSE SHALL BE TRANSFERABLE AND NO EXEMPTION FROM LICENSE TAXES SHALL BE HAD; PROVIDING AND FIXING THE AMOUNT OF LICENSE FEES; PROVIDING FOR APPLICATION AND ADVERTISING THEREOF; MAKING IT UNLAWFUL TO SELL LIQUORS AND ALCOHOLIC BEVERAGES TO CERTAIN PERSONS; FIXING CERTAIN HOURS WHEN LIQUOR OR ALCOHOLIC BEVERAGES MAY NOT BE SOLD OR DELIVERED IN THE CITY OF MIAMI BEACH; PROHIBITING CURB SERVICE OF LIQUORS AND INTOXICATING BEVERAGES EXCEPT BEER; PROHIBITING THE SALE OF LIQUOR OR INTOXICATING BEVERAGES AT ANY GASOLINE FILLING STATIONS; CREATING POSITION OF LIQUOR INSPECTOR AND PRESCRIBING THE DUTIES THEREOF; PROVIDING FOR CERTAIN RESTRICTIONS ON THE PREMISES WHERE LIQUORS AND ALCOHOLIC BEVERAGES ARE SOLD AND OFFERED FOR SALE; PRESCRIBING REGULATIONS FOR THE HANDLING OF INTOXICATING LIQUORS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, AND PROVIDING THAT THE CITY COUNCIL MAY REVOKE A LICENSE AS ISSUED UNDER THIS ORDINANCE; REPEALING ALL LAWS AND PART OF LAWS IN CONFLICT HERewith; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE.

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

SECTION 1. The term "Vendor" as used in this ordinance shall mean any person, firm or corporation selling or dealing in liquor, wines, beer and/or any other alcoholic beverages.

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

The term "Retail Vendor" shall include any person selling or offering for sale, or keeping with the intention of selling to the consumer, liquor, wine, beer and/or alcoholic beverages.

The term "Wholesale Vendor" shall include any person who sells or offers to sell, consign or offers to consign, any liquor, wine, beer or any other alcoholic beverages for resale or in large quantities which are beyond the needs of an ordinary consumer.

The term "Distiller" means any person who owns, occupies, carries on, work in, conducts or operates any distillery, either by himself or by his agent.

The term "Distillery" means and includes any place and premises wherein any liquor is manufactured for sale.

The term "Liquor" means and includes any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, in-

cluding all dilutions and mixtures of one or more of the foregoing.

The term "wine" means the product of the normal alcoholic fermentation of the juice of fresh sound, ripe fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume. No other product shall be called "Wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which same was predominantly produced or as artificial or imitation wine.

The term "rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises and every person who without rectifying, purifying or refining distilled liquors, shall by mixing such spirits, wine, or other liquor with any material, manufacture any imitation of, or compounds, liquors for sale under the name of whiskey, brandy, gin, rum, spirits, cordials, bitters or any other name.

The term "Club" means and includes persons associated together as a charter, 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, defined herein, which said organizations are bona fide clubs, and at the time of application for license hereunder shall have been in continuous active existence and operation for a period of not less than two years in the County where they exist, except clubs operated by or on behalf of the City as defined by law.

The term "Night Club" as used in this ordinance shall mean a restaurant, dining room or similar establishment where a floor show or other form of entertainment is provided for guests at any time between 11:00 o'clock p.m. and 7:00 o'clock a. m.

SECTION 2. That from and after the date when this ordinance becomes effective, no person shall engage in, manage, operate or cause to be operated the business of Vendor, as defined herein, without first procuring a City license therefor as herein provided, and pay the amounts hereinafter fixed and required by this ordinance. He shall make sworn application to the City Clerk on forms provided by said clerk for that purpose on which shall be given the name, occupation and place of business, together with the names of the officers or members of the firm or individuals engaged in such business together with such further information as may be required and the applicant for such license shall give the names of five business or professional men as reference, who may be called upon by the City of Miami Beach, should it deem advisable for information as to the character, business integrity and past history of the person, firm or corporation applying for a license under the terms and conditions of this ordinance.

Such application together with notice as to when said application shall be considered by the City Council shall be published by the City Clerk once each week for two (2) consecutive weeks in two (2) newspapers published in the City of Miami Beach at the expense of the applicant, immediately prior to the date of the hearing thereof, at which time any person interested may appear and object to the

granting of license to said applicant. Thereafter, the City Council shall consider said application and either grant or reject same according to its best judgment and discretion.

Provided, that where an applicant shall have been granted a license under this ordinance and such license and continuations thereof have not been revoked and his qualifications not impaired, such applicant shall be entitled to receive licenses for succeeding years as a matter of course, upon application to the City Clerk and the payment of the tax.

SECTION 3. Except as herein otherwise provided, no license shall be issued except annual licenses, which shall be paid for on or before the first of October and shall expire the first of the succeeding October, provided that any person beginning after the first of October and before the first of April of any year may obtain a license upon the payment of the annual license tax, and such license shall expire on the first of the succeeding October; provided further that any person beginning such business on or after the first of April of any year may procure a license expiring the first of October of the same year on the payment of one-half the license tax herein required for the annual license.

SECTION 4. No license or licenses issued under the provisions of this ordinance shall be transferable or assignable from one person to another, nor from one location to another.

SECTION 5. There shall be no exemptions from license taxes herein provided to any person, corporation, or association of persons; any other law to the contrary notwithstanding.

SECTION 6. No person, firm or corporation shall engage in or manage, carry on or conduct the business of a Vendor, Distiller, Rectifier, Winery or Club, prior to October 1, 1935, without first obtaining a separate license for each location in the City of Miami Beach; the said license shall expire on October 1, 1935; the amount of such license fee is hereby fixed at \$25.00, said license fee and advertising charge to be deposited with the City Clerk at the time application is filed.

SECTION 7. From and after October 1st, 1935, no person, firm or corporation shall engage in or manage, carry on or conduct the business of a Vendor or distiller or rectifier, or winery, or club, without first obtaining a separate annual license for each location in the City of Miami Beach; the amount of such annual license is hereby fixed as follows, said license fee and advertising charge to be deposited with the City Clerk at the time application is filed:

- (a) Winery \$25.00
- (b) Distiller or Distillery. 375.00
- (c) Rectifier. 625.00
- (d) In those cases where a distiller and rectifier are combined, or operated in conjunction with each other in the same location, the same may be carried on under the rectifier's license of 625.00
- (e) Wholesale vendor selling liquor, wine, or beer, regardless of alcoholic content 625.00

- (f) Wholesale vendor selling only beverages containing alcohol of more than 1% by weight, and not more than 14% by weight, and wine, regardless of alcoholic content 100.00
- (g) Retail vendor selling beverages consumed on the premises, regardless of alcoholic content 375.00
- (h) Retail vendors selling beverages regardless of alcoholic content, where the beverages are sold only in sealed containers for consumption off the premises 281.25
- (i) Clubs, as defined herein 62.50
- (j) Retail vendors selling only beverages containing alcohol of more than 1% by weight, and not more than 14% by weight, and wines regardless of alcoholic content 7.50

SECTION 8. No liquor or intoxicating beverages of any kind or nature, including wines, liquors, porter, ale or beer, shall be sold at any gasoline filling station.

SECTION 9. No liquor, wine, beer, ale, or intoxicating beverages shall be sold to any person, firm or corporation under this ordinance where the container thereof does not have and bear the stamps, marks and labels required by the laws of the United States relating to intoxicating beverages.

SECTION 10. No liquor or intoxicating beverages except beer and ale shall be sold or served to persons in automobiles and all curb service of liquor and intoxicating beverages except beer and ale is hereby prohibited.

SECTION 11. No wholesale vendor licensed hereunder shall sell to any person or persons, firms or corporation for resale within the City of Miami Beach, any liquors, wine, beer, ale or intoxicating beverages except to those persons or firms or corporations holding a license under this ordinance.

SECTION 12. No retail vendor licensed under this ordinance shall purchase any liquors, wine, beer, ale or intoxicating beverages from any person, firm or corporation other than a licensed wholesale vendor, distiller, rectifier, or winery licensed as such within the State of Florida, or directly from manufacturers licensed by the United States of America.

SECTION 13. Alcoholic beverages or liquors shall not be sold:

(a) To any person who is intoxicated, nor to any person who is known to be a habitual drunkard.

(b) To any patient under the supervision or control of any State Hospital, whether such patient be on furlough, or otherwise.

(c) To any person actually less than twenty-one years of age.

SECTION 14. No wholesale or retail vendor shall sell or deliver any liquor to any person or persons, firm or corporation any day of General or Primary Election, during the hours when the polls are open.

SECTION 15. No vendor shall sell or offer for sale, or deliver, or serve, or permit to be consumed upon the premises of such vendor, any liquors on any day between the hours of 2:00 o'clock a. m. and 7:00 o'clock a. m., and every vendor licensed under subsections (e), (g) or (h) of Section 7 hereof shall close and keep closed his or its place of business, and shall transact no business therein or therefrom, and shall not allow customers to remain therein between said hours, provided, however, that this Section shall not apply to any Night Club, as defined in this Ordinance.

SECTION 16. No liquor shall knowingly be sold to any person convicted of non-support of wife, family or other dependents.

SECTION 17. No Vendor licensed under subsections (e), (g) or (h) of Section 7 hereof shall permit or allow any games of skill or chance on the premises of said Vendor, or in any room where liquor is sold, or in any room connecting directly or indirectly therewith through stairways, hallways, doors, or other means of ingress or egress.

SECTION 18. No licensed Vendor, except Night Clubs as herein defined, shall permit or allow any music or other form of entertainment in any room where liquor is sold, or in any room connecting directly therewith through doors or other means of ingress or egress; provided, however, that between 11:00 o'clock a. m. and 2:00 o'clock p.m. and between 5:00 o'clock p.m. and 11:00 o'clock p.m. orchestra music may be provided by bona fide restaurants or dining rooms equipped only with a service bar not accessible to the public.

SECTION 19. No licensed Vendor shall permit or allow on his premises where such liquor or alcoholic beverages are sold:

(a) Any screen, blind, curtain, partition, article or thing in the window or upon doors which shall prevent a clear view into the interior of such licensed premises from the sidewalk at all times;

(b) Any booth, screen, partition or other obstruction which shall prevent a clear view into the interior of said licensed premises;

(c) Any swinging entrance doors;

(d) Any box, stall, partition, or any obstruction which prevents a full view of the entire room by every person present therein;

(e) Any opening or means of entrance or passageway for persons or things between the licensed premises and other rooms or places in the building containing the licensed premises, or any adjoining or abutting building, except where said licensed premises adjoins a restaurant or hotel lobby. All glass in any window or door on said licensed premises shall be clear and shall not be opaque, colored, stained or frosted;

(f) Any display sign visible from the street indicating that liquor is offered for sale.

SECTION 20. No license shall be issued under the terms of this ordinance to any person convicted of a felony.

SECTION 21. No wholesale Vendor, distiller or rectifier issued a license under the terms of this ordinance shall in any way be connected with or in any way interested in, financially or otherwise, the business of any retail vendor who is issued a license under the terms of this ordinance.

SECTION 22. No liquor shall be sold for consumption on the premises within 200 feet in an airline from any church, nor within 200 feet in an airline from any public school property, provided, however, that this Section shall not apply to licensees heretofore licensed by the City of Miami Beach until one year from the date this ordinance goes into effect.

SECTION 23. No minor shall be employed for the purpose of serving liquor, and no female shall be employed for the purpose of serving liquor, except waitresses in bona fide restaurants equipped only with a service bar, not accessible to the public.

SECTION 24. Each day's selling or disposing of beverages covered by this ordinance, without first complying with the preceding sections will constitute a separate and distinct violation of this ordinance.

SECTION 25. Any person or persons, firm or corporation or any member of any firm or corporation 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 for a period not exceeding Ninety Days (90), or by both fine and imprisonment, in the discretion of the Municipal Judge, and in addition thereto, the license held by such person, firm or corporation may be revoked in the discretion of the City Council.

SECTION 26. There is hereby created the position of Liquor Inspector, who shall be appointed by the City Council, whose duty it shall be to see that the provisions of this ordinance are complied with, and who shall perform such other duties as the City Council may from time to time prescribe, and who shall hold office at the will of the City Council.

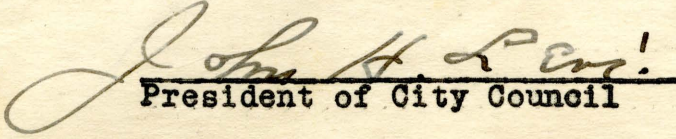
SECTION 27. All ordinances and parts of ordinances in conflict herewith shall be, and the same are, hereby repealed.

SECTION 28. The terms and provisions of this ordinance are not to repeal the terms and provisions of the Zoning Ordinance.

SECTION 29. 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 effect the other sections, sub-sections, sentences, clauses, or phrases of this ordinance which shall be in full force and effect, as if the section, sub-section, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof.

SECTION 30. Whereas an emergency exists, this Ordinance is hereby declared to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety, welfare and property in the City of Miami Beach.

PASSED AND ADOPTED this 17th day of July, A. D., 1935.

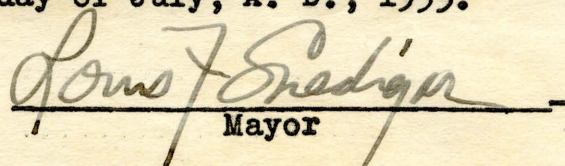

President of City Council

ATTEST:



City Clerk

APPROVED BY ME THIS 19th day of July, A. D., 1935.


Mayor

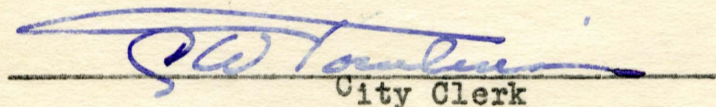
1st, 2nd and 3rd Reading July 17, 1935.
Posted - July 19th, 1935.

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. 391 entitled "AN ORDINANCE PROVIDING FOR AND REQUIRING THE LICENSING OF ALL PERSONS, FIRMS AND CORPORATIONS SELLING, MANUFACTURING OR RECTIFYING LIQUORS AND BEVERAGES CONTAINING ALCOHOL; DEFINING CERTAIN TERMS AS SET FORTH HEREIN; PROVIDING THAT NO LICENSE SHALL BE TRANSFERABLE AND NO EXEMPTION FROM LICENSE TAXES SHALL BE HAD; PROVIDING AND FIXING THE AMOUNT OF LICENSE FEES; PROVIDING FOR APPLICATION AND ADVERTISING THEREOF; MAKING IT UNLAWFUL TO SELL LIQUORS AND ALCOHOLIC BEVERAGES TO CERTAIN PERSONS; FIXING CERTAIN HOURS WHEN LIQUOR OR ALCOHOLIC BEVERAGES MAY NOT BE SOLD OR DELIVERED IN THE CITY OF MIAMI BEACH; PROHIBITING CURB SERVICE OF LIQUORS AND INTOXICATING BEWERAGES EXCEPT BEER; PROHIBITING THE SALE OF LIQUOR OR INTOXICATING BEVERAGES AT ANY GASOLINE FILLING STATIONS; CREATING POSITION OF LIQUOR INSPECTOR AND PRESCRIBING THE DUTIES THEREOF; PROVIDING FOR CERTAIN RESTRICTIONS ON THE PREMISES WHERE LIQUORS AND ALCOHOLIC BEVERAGES ARE SOLD AND OFFERED FOR SALE; PRESCRIBING REGULATIONS FOR THE HANDLING OF INTOXICATING LIQUORS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, AND PROVIDING THAT THE CITY COUNCIL MAY REVOKE A LICENSE AS ISSUED UNDER THIS ORDINANCE; REPEALING ALL LAWS AND PARTS OF LAWS IN CONFLICT HEREWITH; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE," 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 19th day of July, 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 September, 1935.




City Clerk

(ORIGINAL)

ORDINANCE NO. 391

REGULATING SALE AND
LICENSING OF LIQUOR.

ORDINANCE NO. 391

AN ORDINANCE PROVIDING FOR AND REQUIRING THE LICENSING OF ALL PERSONS, FIRMS AND CORPORATIONS SELLING, MANUFACTURING OR RECTIFYING LIQUORS AND BEVERAGES CONTAINING ALCOHOL; DEFINING CERTAIN TERMS AS SET FORTH HEREIN; PROVIDING THAT NO LICENSE SHALL BE TRANSFERABLE AND NO EXEMPTION FROM LICENSE TAXES SHALL BE HAD; PROVIDING AND FIXING THE AMOUNT OF LICENSE FEES; PROVIDING FOR APPLICATION AND ADVERTISING THEREOF; MAKING IT UNLAWFUL TO SELL LIQUORS AND ALCOHOLIC BEVERAGES TO CERTAIN PERSONS; FIXING CERTAIN HOURS WHEN LIQUOR OR ALCOHOLIC BEVERAGES MAY NOT BE SOLD OR DELIVERED IN THE CITY OF MIAMI BEACH; PROHIBITING CURB SERVICE OF LIQUORS AND INTOXICATING BEVERAGES EXCEPT BEER; PROHIBITING THE SALE OF LIQUOR OR INTOXICATING BEVERAGES AT ANY GASOLINE FILLING STATIONS; CREATING POSITION OF LIQUOR INSPECTOR AND PRESCRIBING THE DUTIES THEREOF; PROVIDING FOR CERTAIN RESTRICTIONS ON THE PREMISES WHERE LIQUORS AND ALCOHOLIC BEVERAGES ARE SOLD AND OFFERED FOR SALE; PRESCRIBING REGULATIONS FOR THE HANDLING OF INTOXICATING LIQUORS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, AND PROVIDING THAT THE CITY COUNCIL MAY REVOKE A LICENSE AS ISSUED UNDER THIS ORDINANCE; REPEALING ALL LAWS AND PART OF LAWS IN CONFLICT HEREWITH; DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE.

AS AMENDED BY ORDINANCES NOS. 416, 420, 438, 439, 440, 470, 471, 488, 504, 505, 508, 510, 517, 528, 536, 559, 617, 623, 627, 635, 653, 654, 657, 663, 665, 674, 681, 694, 715, 717, 719, 721, 725

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

SECTION 1. The term "Vendor" as used in this ordinance shall mean any person, firm or corporation selling or dealing in liquor, wines, beer and/or any other alcoholic beverages.

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

The term "Retail Vendor" shall include any person selling or offering for sale, or keeping with the intention of selling to the consumer, liquor, wine, beer and/or alcoholic beverages.

The term "Wholesale Vendor" shall include any person who sells or offers to sell, consign or offers to consign, any liquor, wine, beer or any other alcoholic beverages for resale or in large quantities which are beyond the needs of an ordinary consumer.

The term "Distiller" means any person who owns, occupies, carries on, works in, conducts or operates any distillery, either by himself or by his agent.

The term "Distillery" means and includes any place and premises wherein any liquor is manufactured for sale.

The term "Liquor" 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 "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe fruit, with the usual cellar treatment and necessary additions to correct defects due to climatic saccharine and seasonal conditions, including champagne, sparkling and fortified wine of any alcoholic content not to exceed twenty-four per centum by volume. No other product shall be called "Wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which same was predominantly produced or as artificial or imitation wine.

The term "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises and every person who without rectifying, purifying or refining distilled liquors, shall by mixing such spirits, wine, or other liquor with any material manufacture any imitation of, or compounds liquors for sale under the name of whiskey, brandy, gin, rum, spirits, cordials, bitters or any other name.

The term "Club" means and includes persons associated together as a charter, 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, defined herein, which said organizations are bona fide clubs, and at the time of application for license hereunder shall have been in continuous active existence and operation for a period of not less than two years in the County where they exist, except clubs operated by or on behalf of the City as defined by law.

AMEND-
MENT
#674

The term "Night Club" as used in this Ordinance shall mean a restaurant, dining room, or other establishment where intoxicating liquor is sold, given away or consumed on the premises, and where floor shows and other forms of entertainment are provided for guests on week days at any time between the hours of midnight and 7:00 o'clock A. M. and on Sundays at any time between the hours of 1:00 o'clock A. M. and 7:00 o'clock A. M. Night clubs shall be soundproofed and their windows, doors and other openings kept closed in order that the noises therefrom may not disrupt the peace and quiet of the neighborhood.

AMEND-
MENT
#438

The term "Block" as used in this ordinance shall mean that portion of a street between two intersecting streets.

AMEND-
MENT
#623

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.

AMEND-
MENT
#623

The term "Service Bar" as used in this ordinance shall mean a bar or counter used in connection with the operation of a bona fide restaurant, situated in the kitchen or some room where guests are not allowed to enter, but not situated within the room or that portion of said bona fide restaurant wherein food is served to guests; wherein drinks are prepared solely for the purpose of service to and consumption by guests of said restaurant, seated at tables within the room or portion of said restaurant wherein food is served to said guests.

AMEND-
MENT
#674

The term "Cabaret" as used in this Ordinance shall mean a restaurant, dining room or other establishment where intoxicating liquor is sold, given away or consumed on the premises, and where the form of entertainment provided for guests shall be other than mechanical phonograph, radio and/or string music, and where, if the place of business is not soundproofed, such entertainment is not provided on any week day between the hours of midnight and 7:00 o'clock A. M. or on Sundays between the hours of 1:00 o'clock A. M. and 7:00 o'clock A. M.

AMEND-
MENT
#663

SECTION 2. That from and after the date when this ordinance becomes effective, no person shall engage in, manage, operate or cause to be operated the business of Vendor as defined herein, without first procuring a City license therefor as herein provided, and pay the amounts hereinafter fixed and required by this Ordinance. He shall make sworn application to the City Clerk on forms provided by said Clerk for that purpose on which shall be given the name, occupation and place of business, together with the names of the officers and stockholders, if the applicant be a corporation, or of the

members of the firm, if the applicant be a firm, or of the individuals, if the applicants be individuals, together with such further information as may be required and the applicant for such license shall give the names of five business or professional men as reference, who may be called upon by the City of Miami Beach, should it deem it advisable, for information as to the character, business integrity and past history of the person, or of the members of the firm, or of the officers and stockholders of the corporation applying for a license under the terms and conditions of this ordinance.

AMEND-
MENT
#663

Such application, together with notice as to when said application shall be considered by the City Council, shall be published by the City Clerk once each week for two (2) consecutive weeks in two (2) newspapers published in the City of Miami Beach at the expense of the applicant, immediately prior to the date of the hearing thereof, at which time any person interested may appear and object to the granting of license to said applicant. Thereafter, the City Council shall consider said application and either grant or reject same according to its best judgment and discretion.

AMEND-
MENT
#663

Provided, that where an applicant shall have been granted a license under this ordinance and such license and continuation thereof have not been revoked, then if such applicant be an individual or individuals, and his or their qualifications have not become impaired, or if such applicant be a firm and the membership of such firm shall not have changed without the consent of the City Council as hereinafter provided, and the qualifications of the members thereof have not become impaired, or if such applicant be a corporation and the officers and stockholders of such corporation shall not have changed without the consent of the City Council as hereinafter provided, and the qualifications of such officers or such stockholders shall not have become impaired, such applicant shall be entitled to receive licenses for succeeding years as a matter of course, upon application to the City Clerk and the payment of the tax.

AMEND-
MENT
#694

Provided, further, that no license shall issue, as a matter of course, unless the applicant therefor shall have held a license for the same location for which he seeks a renewal, which previous license was in force during a portion of the license year immediately preceding the year for which a renewal license is sought, except, however, that in case of premises occupied by licensees hereunder taken over by a governmental agency, license for such premises may be renewed by such licensees as a matter of course at any time within six months after the surrender of such premises by such governmental agency.

SECTION 3. Except as herein otherwise provided, no license shall be issued except annual licenses, which shall be paid for on or before the first of October and shall expire the first of the succeeding October, provided that any person beginning after the first of October and before the first of April of any year may obtain a license upon the payment of the annual license tax, and such license shall expire on the first of the succeeding October; provided further that any person beginning such business on or after the first of April of any year may procure a license expiring the first of October of the same year on the payment of one-half the license tax herein required for the annual license.

AMEND-
MENT
#617

Provided, further, that if the holder of a license hereunder shall, within sixty (60) days of the beginning of the license year provided for herein, namely, October 1st, make a bona fide sale of the business for which the said license was issued, and the vendee in such sale shall apply for and receive and pay for a similar license for the identical location, the vendor in said sale may make application for the voidance of such license so issued to him and the sum of money paid by the vendor for such license shall forthwith be refunded to him.

AMEND-
MENT
#725

SECTION 4. No license issued under the provisions of this ordinance shall be transferable or assignable from one person, firm or corporation, to another person, firm or corporation, nor from one location to another, except as follows:

(a) It shall be permissible, by and with the consent of the City Council, for a licensee who enters the military service of the United States to transfer and assign his license to another, provided, however, that the proposed transferee of any such license shall be bound by and required to comply with all of the provisions of Section 2 of this ordinance.

(b) If the licensee be a firm, the membership of said firm may be changed with the consent of the City Council first had and obtained. Provided, however, that if the membership of a firm shall be changed without the consent of the City Council, the license held by said firm may be revoked in the discretion of the City Council.

(c) If the licensee be a corporation, the officers of said corporation may be changed and/or the stock in said corporation may be transferred with the consent of the City Council first had and obtained. Provided, however, that if the officers of a licensed corporation shall be changed, or if any of the stock of such corporation be transferred, without the consent of the City Council, then, and in either of said events, the license held by said corporation may be revoked in the discretion of said City Council.

(d) When a vendor, licensed under Sub-section (g) or Sub-section (h) of this Ordinance, shall have made a bona fide sale of the business for which he is licensed, he may, by and with the consent of the City Council, transfer said license to the purchaser of said business, provided, however, that the proposed transferee of any such license shall be bound by and required to comply with all of the provisions of Section 2 of this ordinance.

(e) In the event of the death of a vendor, licensed under Sub-section (g) or Sub-section (h) of this ordinance the license of such vendor, by and with the consent of the City Council, may be transferred to the executor, administrator, heir or legatee of said vendor, provided, however, that the proposed transferee of any such license shall be bound by and required to comply with all of the provisions of Section 2 of this ordinance.

AMEND-
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#725

SECTION 4 $\frac{1}{2}$. Except for service bars in bona fide restaurants with a seating capacity for 600 or more patrons, and in which the roofed-in floor area provided for dining tables and chairs in the room or portion of said restaurant wherein food is served to guests, is not less than 4,800 square feet, and except for licenses issued to hotels having 100 or more guest rooms where the exterior of the hotel in which the business is carried on shall not contain a store front in connection with said business and where the business so licensed shall only be entered from within the building, no license shall be issued to a retail vendor to sell beverages consumed on the premises regardless of alcoholic content, as provided in Sub-section (g) of Section 7 hereof, in any place of business located within 1,000 feet in an air line, measured from main entrance to main entrance, from another place of business, in which there is already a retail vendor licensed under Sub-section (g) hereof, nor shall such license be issued during the period in which a license for a place of business within said distance is renewable as a matter of course, as provided in Section 2 hereof.

No license shall be issued to a retail vendor to sell beverages, regardless of alcoholic content, for consumption off the premises, as provided in Sub-section (h) of Section 7 hereof, in any place of business located within 2,000 feet in an air line, measured from main entrance to main entrance,

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from another place of business in which there is already a retail vendor licensed under said Sub-section (h), nor shall such license be issued during the period in which a license for a place of business within said distance is renewable as a matter of course, as provided in Section 2 hereof.

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Except in hotels containing 50 or more guest rooms, or in bona fide restaurants as defined herein, no license shall be issued to a retail vendor to sell beverages, containing alcohol of more than one per cent by weight, and not more than fourteen per cent by weight, and wines, regardless of alcoholic content, as provided in Sub-section (j) of Section 7 hereof, in any place of business located within 300 feet in an air line measured from main entrance to main entrance, from any place of business in which there is already a retail vendor licensed under said Sub-section (j) of Section 7 hereof, nor shall such license be issued during the period in which a license for a place of business within said distance is renewable as a matter of course as provided in Section 2 hereof.

Provided, however, that if any vendor shall procure, or shall have procured, a license under this ordinance within the prohibited distance from another vendor by reason of the fact that such license is issued to said vendor to do business in a bona fide restaurant, or in a bona fide restaurant with a seating capacity for a required minimum number of patrons and in which the floor area provided for dining tables and chairs in the room or portion of said restaurant wherein food is served to guests, is not less than a minimum number of square feet, and shall fail to continuously operate a bona fide restaurant or to provide a seating capacity for said required minimum number of patrons, or shall reduce to less than the said required number of square feet, the floor area provided for dining tables and chairs in the room or portion of said restaurant wherein food is served to guests, then and in that event, the license held by the vendor may be revoked in the discretion of the City Council.

Nothing contained in this section shall prohibit the issuance of a license to a vendor for a place of business in which another vendor has, within twelve months, prior to the application for said license, operated under a license of the same class and kind as that applied for, unless such location shall be on Lincoln Road or on 41st Street, in the City of Miami Beach, in which event the restrictions of this section as to distance from other vendors shall apply even though the license sought shall be for a location in which another vendor has theretofore been licensed.

Nothing contained in this section shall prohibit the continuance or renewal of licenses as provided for in Section 2 of this ordinance.

SECTION 5. There shall be no exemptions from license taxes herein provided to any person, corporation, or association of persons; any other law to the contrary notwithstanding.

SECTION 6. No person, firm or corporation shall engage in or manage, carry on or conduct the business of a Vendor, Distiller, Rectifier, Winery or Club, prior to October 1, 1935, without first obtaining a separate license for each location in the City of Miami Beach; the said license shall expire on October 1, 1935; the amount of such license fee is hereby fixed at twenty-five dollars (\$25.00). said license fee and advertising charge to be deposited with the City Clerk at the time application is filed.

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SECTION 7. From and after October 1st, 1935, no person, firm or corporation shall engage in or manage, carry on or conduct the business of a Vendor or Distiller or Rectifier or Winery or Club, without first obtaining a separate annual license for each location in the City of Miami

Beach; the amount of such annual license is hereby fixed as follows, said license fee and advertising charge to be deposited with the City Clerk at the time application is filed;

- (a) Winery \$ 50.00
- (b) Distiller or Distillery 750.00
- (c) Rectifier 1,250.00
- (d) In those cases where a distiller and rectifier are combined, or operated in conjunction with each other in the same location, the same may be carried on under the rectifier's license of 1,250.00
- (e) Wholesale vendor selling liquor, wine or beer, regardless of alcoholic content 1,250.00
- (f) Wholesale vendor selling only beverages containing alcohol of more than 1% by weight, and not more than 14% by weight, and wine, regardless of alcoholic content 200.00
- (g) Retail vendor selling beverages consumed on the premises, regardless of alcoholic content 750.00
- (h) Retail vendor selling beverages regardless of alcoholic content, where the beverages are sold only in sealed containers for consumption off the premises 562.50
- (i) Clubs, as defined herein 125.00
- (j) Retail vendors selling only beverages containing alcohol of more than 1% by weight, and not more than 14% by weight, and wines regardless of alcoholic content 15.00
- (k) Retail vendors selling only beverages containing alcohol of more than 1% by weight and not more than 14% by weight, and wine regardless of alcoholic content in sealed containers for consumption off the premises 15.00

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Provided further that vendors may at any time obtain licenses for periods of six (6) months from date of license upon payment of two-thirds (2/3) of the annual license tax herein required.

SECTION 8. No liquor or intoxicating beverage of any nature whatsoever, including wines, liquors, porter, ale or beer, shall be sold in any gasoline filling station, nor in any motion picture theatre, nor in any room opening directly or indirectly or in connection with any motion picture theatre.

SECTION 9. No liquor, wine, beer, ale or intoxicating beverages shall be sold to any person, firm or corporation under this ordinance where the container thereof does not have and bear the stamps, marks and labels required by the laws of the United States relating to intoxicating beverages.

SECTION 10. No liquor or intoxicating beverages except beer and ale shall be sold or served to persons in automobiles and all curb service of liquor and intoxicating beverages except beer and ale is hereby prohibited.

SECTION 11. No wholesale vendor licensed hereunder shall sell to any person or persons, firms or corporations for resale within the City of Miami Beach, any liquors, wine, beer, ale or intoxicating beverages except to those persons or firms or corporations holding a license under this ordinance.

SECTION 12. No retail vendor licensed under this ordinance shall purchase any liquors, wines, beer, ale or intoxicating beverages from any person, firm or corporation other than a licensed wholesale vendor, distiller, rectifier or winery licensed as such within the State of Florida, or directly from manufacturers licensed by the United States of America.

SECTION 13. Alcoholic beverages or liquors shall not be sold:

(a) To any person who is intoxicated, nor to any person who is known to be a habitual drunkard.

(b) To any patient under the supervision or control of any State Hospital, whether such patient be on furlough, or otherwise.

(c) To any person actually less than twenty-one years of age.

SECTION 14. No wholesale or retail vendor shall sell or deliver any liquor to any person or persons, firm or corporation any day of General or Primary Election during the hours when the polls are open.

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SECTION 15. No vendor shall sell, or offer for sale, or deliver, or serve, or permit to be consumed upon the premises of such Vendor, any liquor, beer or wine, on any week day between the hours of midnight and 7:00 o'clock, A. M., or on Sundays, between the hours of 1:00 o'clock A. M., and 1:00 o'clock P. M., and no Vendor shall sell, or offer for sale, or deliver, any liquor or wine by the package, bottle or container, at any hour on Sunday, or on any week day between 8:00 o'clock P. M. and 7:00 o'clock A. M. and every Vendor, except Night Clubs, licensed under Sub-sections "E", "G" and "H" of Section 7 hereof, shall close and keep closed, his or its place of business and shall transact no business therein or therefrom and shall not allow customers to remain therein during the hours during which Vendors are by this Section forbidden to sell, or offer for sale, or deliver, or serve, or permit to be consumed upon the premises, liquor, beer or wine.

SECTION 16. No liquor shall knowingly be sold to any person convicted of non-support of wife, family or other dependents.

SECTION 17. No vendor licensed under subsections (e), (g) or (h) of Section 7 hereof shall permit or allow any games of skill or chance on the premises of said vendor, or in any room where liquor is sold, or in any room connecting directly or indirectly therewith through stairways, hallways, doors or other means of ingress or egress.

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SECTION 18. No licensed Vendor, except Night Clubs and Cabarets, as in this Ordinance defined, shall permit or allow any music or other form of entertainment in the place of business of such Vendor, or in any room connecting directly therewith through doors or other means of ingress or egress; provided, however, that orchestra music may be provided in restaurants or dining rooms equipped with a service bar not accessible to the public up to, but not later than 12:00 o'clock midnight; and provided, further, that string music, mechanical phonograph and radio, the sound

of which is not audible a distance of more than fifty (50) feet from the place of business of the Vendor, may be provided by the Vendor licensed under sub-section "g" and "j" of Section 7 hereof, until 12:00 o'clock midnight.

SECTION 19. No licensed Vendor shall permit or allow on his premises where such liquor or alcoholic beverages are sold:

(a) Any screen, blind, curtain, partition, article or thing in the window or upon doors which shall prevent a clear view into the interior of such licensed premises from the sidewalk at all times;

(b) Any booth, screen, partition or other obstruction which shall prevent a clear view into the interior of said licensed premises;

(c) Any swinging entrance doors;

(d) Any box, stall, partition, or any obstruction which prevents a full view of the entire room by every person present therein;

(e) Any opening or means of entrance or passageway for persons or things between the licensed premises and other rooms or places in the building containing the licensed premises, or any adjoining or abutting building, except where said licensed premises adjoins a restaurant or hotel lobby. All glass in any window or door on said licensed premises shall be clear and shall not be opaque, colored, stained or frosted;

(f) Any display sign visible from the street indicating that liquor is offered for sale.

SECTION 20. No license shall be issued under the terms of this ordinance to any person convicted of a felony.

SECTION 21. No wholesale Vendor, Distiller or Rectifier issued a license under the terms of this ordinance shall in any way be connected with or in any way interested in, financially or otherwise, the business of any retail vendor who is issued a license under the terms of this ordinance.

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SECTION 22. No liquor, beer or wine shall be sold within 300 feet in an air line from any Church nor within 300 feet in an air line from any public school property nor within 300 feet in an air line from any property upon which there is maintained a private school operated for the instruction of minors in the common branches of learning, except such places of business as are already established.

SECTION 23. No minor shall be employed for the purpose of serving liquor, and no female shall be employed for the purpose of serving liquor, except waitresses in bona fide restaurants equipped only with a service bar, not accessible to the public.

SECTION 24. Each day's selling or disposing of beverages covered by this ordinance, without first complying with the preceding sections will constitute a separate and distinct violation of this ordinance.

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SECTION 24-A. The possession by a licensee under this ordinance, in his place of business, of beverages containing more than one (1%) percent of alcohol by weight, not permitted to be sold by the licensee, shall be prima facie evidence that such beverages are being sold by such licensee.

SECTION 25. Any person or persons, firm or corporation or any member of any firm or corporation violating the provisions of this ordinance shall, upon conviction, be punished by a fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment for a period not exceeding Ninety (90) days, or by both fine and imprisonment, in the discretion of the Municipal Judge, and in addition thereto the license held by such person, firm or corporation may be revoked in the discretion of the City Council.

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SECTION 26. If any vendor licensed under this ordinance shall be declared a bankrupt, the license of said bankrupt may be revoked in the discretion of the City Council.

SECTION 27. All ordinances and parts of ordinances in conflict herewith shall be, and the same are, hereby repealed.

SECTION 28. The terms and provisions of this ordinance are not to repeal the terms and provisions of the Zoning Ordinance.

SECTION 29. 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 sections, sub-sections, sentences, clauses, or phrases of this ordinance which shall be in full force and effect, as if the section, sub-section, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part thereof.

SECTION 30. Whereas an emergency exists, this Ordinance is hereby declared to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety, welfare and property in the City of Miami Beach.

PASSED and ADOPTED this 17th day of July, A. D., 1935.

(Signed) John H. Levi
President of City Council

ATTEST:

(Signed) C. W. Tomlinson
City Clerk

(SEAL)

APPROVED BY ME this 19th day of July, A. D., 1935.

(Signed) Louis F. Snedigar
Mayor

1st, 2nd and 3rd readings, July 17, 1935
Posted - July 19, 1935

Ordinance No. 416 - Passed and Adopted 1/29/36
 Posted - 1/29/36
 Ordinance No. 420 - Passed and Adopted 3/4/36
 Posted - 3/7/36
 Ordinance No. 438 - Passed and Adopted 9/2/36
 Posted - 9/4/36
 Ordinance No. 439 - Passed and Adopted 9/2/36
 Posted - 9/4/36
 Ordinance No. 440 - Passed and Adopted 9/2/36
 Posted - 9/14/36
 Ordinance No. 471 - Passed and Adopted 1/6/37
 Posted - 1/7/37
 Ordinance No. 488 - Passed and Adopted 7/7/37
 Posted - 7/14/37
 Ordinance No. 504 - Passed and Adopted 11/24/37
 Posted - 12/2/37
 Ordinance No. 505 - Passed and Adopted 11/24/37
 Posted - 12/2/37
 Ordinance No. 508 - Passed and Adopted 12/15/37
 Posted - 12/20/37
 Ordinance No. 510 - Passed and Adopted 2/16/38
 Posted - 2/17/38
 Ordinance No. 517 - Passed and Adopted 7/6/38
 Posted - 7/7/38
 Ordinance No. 528 - Passed and Adopted 11/23/38
 Posted - 11/24/38
 Ordinance No. 536 - Passed and Adopted 12/14/38
 Posted - 12/15/38
 Ordinance No. 559 - Passed and Adopted 8/7/39
 Posted - 8/8/39
 Ordinance No. 617 - Passed and Adopted 11/24/41
 Posted - 11/25/41
 Ordinance No. 623 - Passed and Adopted 11/24/41
 Posted - 11/25/41
 Ordinance No. 627 - Passed and Adopted 12/18/41
 Posted - 12/19/41
 Ordinance No. 635 - Passed and Adopted 1/21/42
 Posted - 1/21/42
 Ordinance No. 653 - Passed and Adopted 5/7/42
 Posted - 5/8/42
 Ordinance No. 654 - Passed and Adopted 5/20/42
 Posted - 5/20/42
 Ordinance No. 657 - Passed and Adopted 7/9/42
 Posted - 7/9/42
 Ordinance No. 663 - Passed and Adopted 8/5/42
 Posted - 8/6/42
 Ordinance No. 665 - Passed and Adopted 10/7/42
 Posted - 10/8/42
 Ordinance No. 674 - Passed and Adopted 1/6/43
 Posted - 1/7/43
 Ordinance No. 681 - Passed and Adopted 1/20/43
 Posted - 1/21/43
 Ordinance No. 694 - Passed and Adopted 10/20/43
 Posted - 10/21/43
 Ordinance No. 715 - Passed and Adopted 7/5/44
 Posted - 7/6/44
 Ordinance No. 717 - Passed and Adopted 9/6/44
 Posted - 9/8/44
 Ordinance No. 719 - Passed and Adopted 10/4/44
 Posted - 10/4/44
 Ordinance No. 721 - Passed and Adopted 11/8/44
 Posted - 11/8/44
 Ordinance No. 725 - Passed and Adopted 12/27/44
 Posted - 12/27/44

