



CITY OF NORTH MIAMI BEACH

Council Conference
Conference Room Area, 4th Floor
City Hall, 17011 NE 19 Avenue
North Miami Beach, FL 33162
Tuesday, December 17, 2013
6:30 PM

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Darcee S. Siegel
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

AGENDA

1. **ROLL CALL OF CITY OFFICIALS**
2. **DISCUSSIONS**
 - 2.1 **Future of North Miami Beach: Prelude to Strategic Planning (City Manager Ana M. Garcia)**
 - 2.2 **Discussion of Draft of Extended Hours Ordinance (City Attorney Darcee S. Siegel)**
3. **ADJOURNMENT**



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

Print

TO: Mayor and City Council
FROM: Darcee S. Siegel, City Attorney
VIA: Darcee S. Siegel, City Attorney
DATE: Tuesday, December 17, 2013

RE: Discussion of Draft of Extended Hours Ordinance (City Attorney Darcee S. Siegel)

**BACKGROUND
ANALYSIS:**

RECOMMENDATION:

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

[Draft- Extended Hours Ordinance](#)

ORDINANCE NO. 2014-//**DRAFT**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING CHAPTER XII, ARTICLE II, OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING SECTION 12-2.2 ENTITLED "PERMITTED DAYS AND HOURS OF SALE - SUNDAY RESTRICTIONS; HOTELS AND NIGHTCLUBS" BY REQUIRING THAT ANY ESTABLISHMENT REQUESTING A 4:00 A.M. TO 6:00 A.M. LICENSE SHALL FIRST OBTAIN A 2:00 A.M. TO 4:00 A.M. EXTENDED LICENSE FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO ANY CONSIDERATION OF THE 4:00 A.M. TO 6:00 A.M. EXTENDED LICENSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in order to operate a business selling, serving or delivering alcoholic beverages in the City of North Miami Beach during the hours from 4:00 a.m. to 6:00 a.m., the business must obtain an extended license from the City Council; and

WHEREAS, currently, in order to obtain a 4:00 a.m. to 6:00 a.m. extended license, the only requirement of the business establishment is to first obtain a 2:00 a.m. to 4:00 a.m. license; and

WHEREAS, in order to provide more secure late business operations, a minimum of a six (6) month probationary period is warranted prior to the issuance of a 4:00 a.m. to 6:00 a.m. extended license; and

WHEREAS, too often late night businesses have no track-record of good performance and/or compliance with the City's Code of Ordinances; and

WHEREAS, while the City of North Miami Beach is steadfast in its desire to promote all businesses within the City, its number one goal is to assure safety to all residents and patrons; and

WHEREAS, the Mayor and City Council believe that by obtaining a 2:00 a.m. to 4:00 a.m. license for a minimum six (6) month period prior to applying for a 4:00 a.m. to 6:00 a.m. license will achieve all the safeguards mandated by the probationary period and will be in the best interest for all those living and working in North Miami Beach.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. Section 12-2.2 C-2 of the Code of Ordinances of the City of North Miami Beach is hereby amended as follows:

**Section 12-2.2 Permitted Days and Hours of Sale - Sunday Restrictions;
Hotels and Nightclubs.**

2. **The issuance of the business tax receipt for the extension of hours from 2:00 a.m. to 4:00 a.m. shall be obtained for a minimum of six (6) months prior to applying for a business tax receipt to extend hours from 4:00 a.m. to 6:00 a.m.**

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word as the codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this ___ day of _____, 2014.

APPROVED AND ADOPTED on second reading this ___ day of _____, 2014.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK
(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM

DRAFT

DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Councilwoman Marlen Martell
Mayor and City Council

Note: Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~striketrough~~.