8 9

10 11

12 13 14

15 16 17

19 20 21

18

22 23 24

25

37

38 39

32

41 42

43

44

45

40

COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 4-6, "DEFINITIONS; HOURS OF OPERATION," OF CHAPTER 4, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES TO ALLOW ISSUANCE OF REVOCABLE PERMIT FOR **EXTENDED SERVICE HOUR FOR ALCOHOLIC** BEVERAGES CONSUMED ON-PREMISES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City Commission of the City of South Miami ("City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, pursuant to Section 562.14, Florida Statutes, a municipality may, by ordinance, establish hours of sale for alcoholic beverages; and

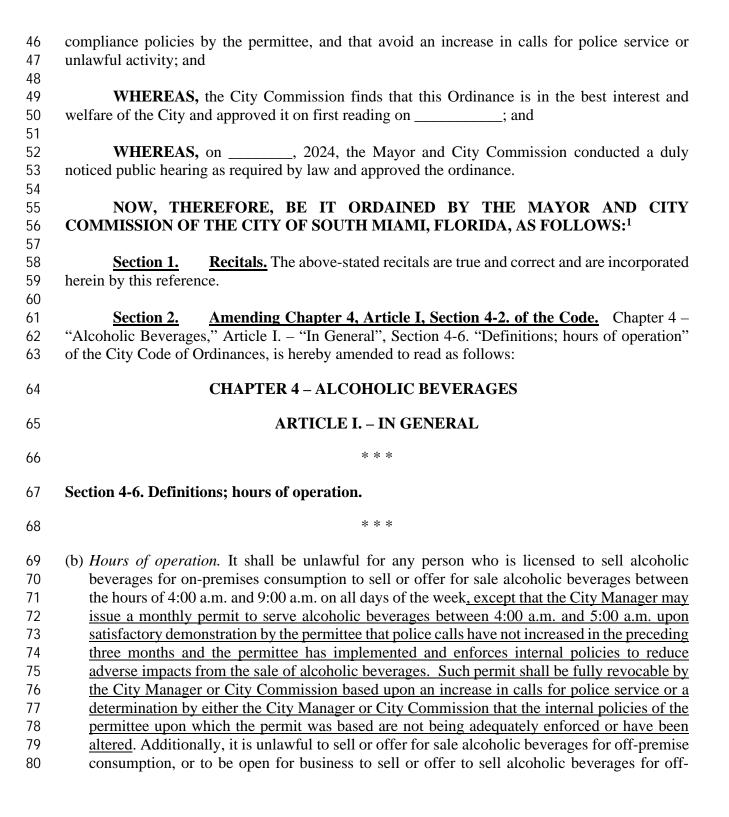
WHEREAS, the City Commission adopted Ordinance No. 11-23-2462 prohibiting the sale of alcohol between the hours of 4:00 a.m. and 9:00 a.m. in order to protect the public health, safety, and welfare by decreasing the frequency of interactions between pedestrians and cyclists engaged in early morning activities and intoxicated individuals engaged in drunk driving or disorderly conduct, as well as reducing the frequency of disturbances that negatively impact the life, health, and peaceful enjoyment of others using public rights-of-way or private property in the vicinity of drinking establishments; and

WHEREAS, since adopting the Ordinance, late night calls for police service have generally decreased; and

WHEREAS, the City Commission finds that the decrease in late night calls is in part due to the restricted hours, but also to the internal enforcement of policies at the alcoholic beverage service establishments that operate during the late night/early morning hours; and

**WHEREAS,** the City Commission wishes to provide for a permit procedure to allow one hour of extend service based on continued enforcement of policies by the establishments that do not result in an increase in police involvement or negative interactions with the public; and

WHEREAS, the City Commission desires to amend Section 4-6(b) of the City Code to provide for the issuance of a revocable permit to allow an extend hour of service to 5:00 AM each day or on certain days, subject to compliance with all laws, adequate internal enforcement of



<sup>&</sup>lt;sup>1</sup> Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Modifications proposed by the Planning Board are shaded in grey. Changes between first and second reading are indicated with <del>double strikethrough</del> and <u>double underline</u>. <u>Modifications made at second reading are shaded in dark grey</u>.

81 82	premise consumption during the hours from 11:00 p.m. to 5:00 a.m. during all days of the week.	
83 84 85 86	Section 3. Corrections. Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.	
87 88 89 90		tion, clause, sentence, or phrase of this Ordinance al by a court of competent jurisdiction, the holding rtions of this Ordinance.
91 92 93	Section 5. Conflicts. That all ordin of resolutions, in conflict herewith, are repealed	nances or parts of ordinances, resolutions or parts d to the extent of such conflict.
94 95 96	Section 6. Implementation. The Call necessary action to implement the purposes	City Manager is hereby authorized to take any and of this Ordinance.
97 98 99 100	Section 7. Effective Date. This Or adoption.  PASSED on first reading on the date.	rdinance shall become effective immediately upon
100		reading on the day of, 2024.
102	ATTEST:	APPROVED:
103		
104 105 106	CITY CLERK	MAYOR
107 108 109 110 111 112 113	READ AND APPROVED AS TO FORM, LANGUAGE, LEGALITY AND EXECUTION THEREOF  WEISS SEROTA HELFMAN COLE	COMMISSION VOTE: Mayor Javier Fernández: Vice Mayor Lisa Bonich: Commissioner Steve Calle: Commissioner Joshua Liebman: Commissioner Brian Corey:
114 115	& BIERMAN, P.L. CITY ATTORNEY	