

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission **First Reading**
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney 

DATE: June 23, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ALCOHOLIC BEVERAGES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE/VIOLATIONS," BY REQUIRING THOSE ALCOHOLIC BEVERAGE ESTABLISHMENTS POSSESSING A LICENSE TO SELL AND/OR SERVE ALCOHOLIC BEVERAGES IN THE CITY UNTIL 5 A.M. ("ALCOHOL LICENSE"), AND SELLING AND/OR SERVING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION LATER THAN 12 A.M., TO RETAIN THE SERVICES OF AN OFF-DUTY POLICE OFFICER, FROM 12 A.M. UNTIL THIRTY (30) MINUTES PAST THE CLOSING OF THE ALCOHOLIC BEVERAGE ESTABLISHMENT, ON SATURDAYS AND SUNDAYS AND, DURING HOLIDAY WEEKENDS OR CITY-SPONSORED EVENTS, ON SATURDAY, SUNDAY, AND MONDAY; ESTABLISHING EXCEPTIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance (the "Ordinance"), which is sponsored by Mayor Dan Gelber, is submitted for consideration on first reading at the June 23, 2021 meeting of the City Commission.

In Chapter 6 of the City Code, entitled "Alcoholic Beverages," the City regulates the location, size, hours of operation, and minimum patron age pertaining to the sale and consumption of alcoholic beverages.

The Police Department and the Administration have advised that the prolonged consumption of liquor, and other alcoholic or intoxicating beverages, may create volatile and potentially dangerous behavior and situations which directly lead to criminal activity, disorderly conduct, undesirable noise, and/or various quality of life offenses in the City.

Moreover, calls for service to the Police Department are typically most pervasive and prevalent after midnight and into in the early morning hours during Saturdays and Sunday (and during those holiday weekends and City-sponsored events).

On February 12, 2020, the Mayor and City Commission adopted Ordinance No. 2020-4329, which requires those alcoholic beverage establishments located on Ocean Drive, between 5th Street and 15th Street, possessing a license to sell and/or serve alcoholic beverages later than 12 a.m., to retain the services of an off-duty police officer, from 12 a.m. until thirty (30) minutes after the closing of the alcoholic beverage establishment, on Saturdays and Sundays (and on Saturday, Sunday and Monday during holiday weekends or city-sponsored events).

However, the Police Department believes that the continuation of the reckless, illegal, dangerous and criminal late-night behavior and conduct that is occurring in and around alcoholic beverage establishments throughout the City requires the expansion of off-duty police officers to all alcoholic beverage establishments.

As such, the Police Department and the City Administration have requested adoption of the proposed Ordinance which will require all alcoholic beverage establishments in the City, possessing a 5 a.m. Alcohol License and selling and/or serving alcoholic beverages later than 12 a.m., to retain the services of an off-duty police officer, from 12 a.m. until thirty (30) minutes past the closing of the alcoholic beverage establishment for: (i) all Saturdays and Sundays; and (ii) during holiday weekends or City-sponsored events, on Saturday, Sunday, and Monday (unless one of the specific exceptions, presently set forth in subsection 6-3(8), is applicable).

Upon consideration at first reading, it is recommended that the Mayor and City Commission pass the Ordinance to aid in ensuring the health, safety and welfare of all persons who visit iconic Ocean Drive and other alcoholic beverage establishments throughout the City.