



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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and
Members of the City Commission
Jimmy L. Morales, City Manager

FROM: Raul Aguila, City Attorney

DATE: September 13, 2017

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, ENTITLED "ALCOHOLIC BEVERAGES," ARTICLE I, ENTITLED "IN GENERAL," SECTION 6-3 THEREOF, ENTITLED "HOURS OF SALE," TO PROHIBIT PACKAGE LIQUOR SALES AT RETAIL STORES (INCLUDING PACKAGE, GROCERY, CONVENIENCE, AND ANY OTHER RETAIL STORES, AS WELL AS GASOLINE STATIONS/SERVICE STATIONS) AND ALCOHOLIC BEVERAGE ESTABLISHMENTS WITHIN THE MXE MIXED USE ENTERTAINMENT DISTRICT TO CHANGE THE HOUR AT WHICH TO CEASE SELLING ALCOHOL; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ANALYSIS

The attached Ordinance, sponsored by Vice Mayor Ricky Arriola, is hereby submitted for consideration by the Mayor and City Commission.

On November 9, 2016, the Mayor and City Commission adopted Ordinance No.: 2016-4058, which prohibited package liquor sales at retail stores (including package, grocery, convenience, and any other retail stores, as well as gasoline stations/service stations) and alcoholic beverage establishments before 10:00 a.m. (instead of 8:00 a.m.) each day.

On March 1, 2017, the City Commission reviewed a prior version of this Ordinance, which proposed to prohibit package liquor sales before 9:00 a.m. However, following a discussion on this item, the City Commission directed staff to revise the proposed Ordinance to prohibit package liquor sales before 8:00 a.m.

On April 26, 2017, the Mayor and City Commission reviewed the revised Ordinance, and directed the City Attorney's Office to prepare a revised drafted Ordinance that further restricted the hours of package liquor sales in the MXE district, citywide between 10:00 a.m. and 10:00 p.m. This ordinance was enacted on June 28, 2017.

Since the enactment of Ordinance No. 2016-4058, the Mayor and City Commission have determined that it is in the best interest of the City, and it serves the health, safety, and welfare of the City's residents and visitors, to prohibit package liquor sales at retail stores (including package, grocery, convenience, and any other retail stores, as well as gasoline service/filling stations) and alcoholic beverage establishments before 8:00 a.m. (instead of 10:00 a.m.) each day. Notwithstanding the above, the Mayor and City Commission approved an Ordinance on June 7, 2017, restricting package liquor sales in the MXE district from the hours of 10:00 a.m. until 10:00 p.m., only.

As there remain issues in the MXE district, and as it appears the sale of alcohol from retail establishments in the MXE district, at night, often causes problems on Ocean Drive, Collins Avenue and Washington Avenue, the attached ordinance proposes to cease alcohol sales at 8:00 p.m.

RECOMMENDATION

Approve at First Reading and schedule Second Reading, Public Hearing.