

# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

## COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER  
MEMBERS OF THE CITY COMMISSION

FROM: RAFAEL A. PAZ, ACTING CITY ATTORNEY 

DATE: OCTOBER 13, 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 CREATING NEW SUBSECTION (9), WHICH WILL REQUIRE THOSE ALCOHOLIC BEVERAGE ESTABLISHMENTS POSSESSING A LICENSE TO SELL AND/OR SERVE ALCOHOLIC BEVERAGES IN THE CITY UNTIL 5 A.M. ("ALCOHOL LICENSE"), TO PROVIDE WRITTEN NOTIFICATION TO THE CHIEF OF POLICE OR DESIGNEE REGARDING ANY PROMOTED EVENT OR CONCERT THAT WILL HAVE A LIVE MUSICAL PERFORMANCE OR ENTERTAINMENT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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Commissioner Samuelian has sponsored this amendment to Section 6-3 of the City Code (the "proposed Ordinance"), which was initially presented and heard by the Neighborhood and Quality of Life Committee (NQLC) on July 21, 2021. The members of the NQLC supported this Ordinance, which would require alcoholic beverage establishments with a 5:00 a.m. license, to provide specific notification to the Police Department of any promoted event or concert that will be occurring at their respective establishments.

Commissioner Samuelian has requested that this proposed Ordinance be heard by the Mayor and City Commission on first reading at the October 13, 2021 Commission Meeting, subject to additional review by the NQLC at its October 29, 2021 meeting, prior to second reading.

The proposed Ordinance will require any alcoholic beverage establishment with a 5 a.m. alcohol license to provide written notification to the Chief of Police, **a minimum of 96 hours prior to a promoted event or concert**, with specific information about the live musical event, entertainment or performance, in order to permit the Police Department to take any necessary measures to

mitigate any potential issues or impacts such as traffic, crowd control, or street closures during the promoted event or concert. Specifically, the written notification of the proposed Ordinance amendment would require these alcoholic beverage establishments to set forth the following:

- The date of the event, performance or concert;
- The name of all performer(s) or entertainer(s);
- The name and contact information of the person or entity who is promoting the entertainment event or concert;
- The number of tickets sold for the entertainment event or concert; and
- The security plan for the entertainment event or concert, which must include the number of private security personnel to be utilized at the event, and any request(s) for MBPD off-duty police.

Equally important, the Police Chief will be able to review the notification from the alcoholic beverage establishment, and determine whether the security plan for the entertainment event or concert would adequately manage and control the anticipated level of attendance at the entertainment event or concert. This requirement would permit the Police Department to allocate the necessary Police resources to contend with the large crowds entering the City and at the promoted event or concert, and thereby minimize the challenges to public safety, the quality of life in the City's residential neighborhoods and reduce the adverse impacts upon the Police Department and any logistical challenges throughout the City.

RAP/AB/ym