

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18, "BUSINESSES," AT ARTICLE V, "CARDROOMS" TO BE ENTITLED "RESERVED;" AMENDING SECTIONS 18-171 THROUGH 18-179, TO BE ENTITLED "RESERVED" DELETING ALL REFERENCE TO CARDROOMS IN CHAPTER 18; CHAPTER 102 "TAXATION," ARTICLE V, "LOCAL BUSINESS TAX," AT SECTION 102-356 ENTITLED "CONSTRUCTION OF ARTICLE; DEFINITIONS" BY REMOVING THE DEFINITION OF "CARDROOMS"; AND SECTION 102-379, ENTITLED "SCHEDULE OF TAXES, EFFECTIVE OCTOBER 1, 2016" TO REMOVE THE BUSINESS TAX FEE FOR "CARDROOMS;" PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature in considering certain legislative amendments that would allow the expansion of slot machines and casino gambling; and

WHEREAS, the City of Miami Beach has a long-standing policy against casino gambling in Florida as evidenced by the following resolutions: 2017-29846, 2014-28529, 2011-27812, 2008-26927, and 2008-26925; and

WHEREAS, the legislation being considered would allow for casino operations that rival in size and scope the gambling operations existing in Las Vegas and Atlantic City; and

WHEREAS, large scale casino operations cannibalize non-gambling businesses and have caused the shuttering of forty percent of all restaurants and one-third of all retail businesses in Atlantic City; and

WHEREAS, our community will bear the severe and painful economic and social costs that always accompany expansive gambling, including the misery of individuals and families touched by problem gambling as they are at higher risk of divorce, bankruptcy, child abuse, domestic violence, crime and suicide; and

WHEREAS, expanded gambling promotes corruption of the governmental process as immensely wealthy gambling companies from all over the world seek to receive benefits from state governmental entities that regulate their existence and profits; and

WHEREAS, if gambling interests are allowed to obtain major casino expansion, full scale casino and gambling operations will become commonplace throughout our community and state; and

WHEREAS, the false promises of increased revenue and jobs, like the broken promises that accompanied the lottery and other gambling expansions are intended to convince Floridians to make a fool's gamble with their future; and

WHEREAS, the City of Miami Beach desires to continue to be a number one destination for tourism and local growth to the economy by supporting independent hotels, restaurants and entertainment, without the overwhelming introduction of gambling; and

WHEREAS, the Comprehensive Plan, at Objective 1: Land Development Regulations, at Policy 1.2, is being amended to prohibit gambling and casino operations authorized pursuant to chapters 550, and 551, Florida Statutes from operating in any land use category within the City of Miami Beach; and

WHEREAS, the City of Miami Beach rejects any expansion of gambling into the City of Miami Beach, and precludes any destination casinos from being authorized in our land development regulations; and

WHEREAS, in order to prevent any confusion the reference to cardrooms in chapter 18 and 102 of the City Code shall be removed as a business as the use is not permitted; and

WHEREAS, it is in the best interest of the City to prohibit gambling for the general health, safety, morals and welfare of the community; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 18, entitled "Businesses", at Article V "Cardrooms", at Sections 18-171 through 18-179 are hereby amended as follows:

CHAPTER 18

BUSINESSES

ARTICLE V. – RESERVED CARDROOMS

~~Sec. 18-171. – Application form.~~

~~A special application for a cardroom license on a form prescribed by the city manager or his designee must be completed and submitted. This form shall include the names of five business or professional men as reference.~~

~~Sec. 18-172. – Submittal of floor plan.~~

~~A floor plan drawing of the cardroom premises, to include all doors, rooms, partitions, closets and the locations of all telephones and windows, shall be submitted.~~

~~Sec. 18-173. – Signs.~~

~~(a) A sign shall be erected on the main entrance door of each cardroom, visible on the outside, designating such room as a cardroom, and if in other than a hotel, motel, apartment house, condominium or cooperative apartment, whether open to the public or private, and the hours of operation.~~

~~(b) Where the premises are in an office building, and the cardroom entrance is not completely visible from the main entrance, a sign shall be prominently displayed in the lobby or vestibule giving the name and location of any and all cardrooms in such structure.~~

~~Sec. 18-174. -- Entrance doors.~~

~~The main entrance door to each cardroom shall remain unlocked throughout the hours of operation.~~

~~Sec. 18-175. -- Location of games.~~

~~Where the licensed premises is a store adjacent to the street, card playing will be conducted in the front portion of the store, visible from the main entrance and not in a back or hideaway room. Conducting or allowing a game to be played in a back or hideaway room or behind locked doors shall be grounds for immediate revocation of a license granted under this article.~~

~~Sec. 18-176. -- Grounds for refusal to issue license.~~

~~No license shall be issued under this article to any person convicted of a felony or gambling violation, or to any corporation whose officers, directors or shareholders have been so convicted; nor shall any person be employed in any capacity whatsoever on the licensed premises who has been so convicted. If after the issuance of a license under this article it shall appear to the satisfaction of the city manager that the licensee had been convicted of a felony prior to the issuance of such license or has been convicted of a felony during the life of such license, the license shall be revoked. In addition, where any person is employed having been convicted of a felony or gambling violation, and the licensee under this article refuses to discharge such person upon notice from the city manager, the license shall be revoked.~~

~~Sec. 18-177. -- Inspection by city authorized.~~

~~Cardroom licensees, by the acceptance of their license, agree that their places of business shall always be subject to being inspected by the authorized employees of the city during business hours or at any other time such premises are occupied by the licensee or other persons; however, the inspection shall be limited to the cardroom and rooms directly connected thereto.~~

~~Sec. 18-178. -- Approval required for alterations.~~

~~Any alterations to the licensed premises as shown on the floor plan attached to the original application must have the approval of the city manager or his designee, and any alteration without such approval shall be deemed grounds for revocation of any license granted under this article.~~

~~Sec. 18-179. -- Exemptions.~~

~~This article shall not apply to any cardroom operated in a hotel, motel, apartment house, condo, or co-op apartment, where the cardroom is maintained for the free use of the guests or occupants of the structure and is under the direct control of the owner or operator of the structure.~~

Secs. 18-170 484—18-210. - Reserved.

Section 2. Chapter 18, entitled "Businesses", at Article V "Cardrooms", at Sections 18-171 through 18-179 are hereby amended as follows:

Chapter 102

TAXATION

ARTICLE V - LOCAL BUSINESS TAX

* * *

Sec. 102-356. - Construction of article; definitions

* * *

~~Cardroom means any room, store, office, building, vessel or houseboat used, operated or maintained for the purpose of providing facilities for card playing for four or more persons, other than the owners, operators or lessees thereof, whether or not admission, cover or service charges are exacted.~~

* * *

Sec. 102-379. - Schedule of taxes, effective October 1, 2016

* * *

(d) Effective on October 1, 2009 (fiscal year 2009—2010), business tax receipt applications shall be charged a \$45.00 fee for the processing of new applications.

Occupation Code	Business Tax Category	Amount
-----------------	-----------------------	--------

	C	
95003700	Cabanas (each)	17.00
95003800	Cardrooms, including, but not limited to, bridge	4,667.00
95003900	Carpet and rug cleaning	221.00

95000659	Casting office	191.00
----------	----------------	--------

* * *

SECTION 2. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: May 12, 2017

Second Reading: June 7, 2017

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Raul Aguila, City Attorney

5/26/17

Underline = new language
~~Strikethrough~~ = deleted language