

# MEMORANDUM

Agenda Item No. 4(B)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** July 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance pertaining to zoning and night clubs; creating section 33-151.1 of the Code; prohibiting any night club owner, operator, certificate of use holder, or owner of the underlying real property from allowing minors on the premises; amending section 8CC-10; providing for civil penalties and other remedies

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



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Abigail Price-Williams   
County Attorney

APW/smm

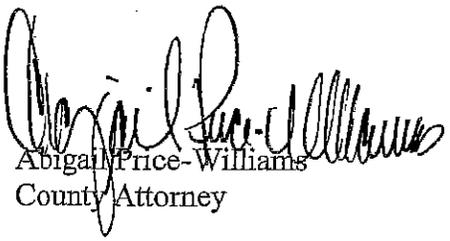


# MEMORANDUM

(Revised)

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County Attorney

**SUBJECT:** Agenda Item No. 4(B)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(B)  
7-6-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING AND NIGHT CLUBS; CREATING SECTION 33-151.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ANY NIGHT CLUB OWNER, OPERATOR, CERTIFICATE OF USE HOLDER, OR OWNER OF THE UNDERLYING REAL PROPERTY FROM ALLOWING MINORS ON THE PREMISES; AMENDING SECTION 8CC-10; PROVIDING FOR CIVIL PENALTIES AND OTHER REMEDIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board is committed to ensuring the health, safety and welfare, as well as enhancing the quality of life, of Miami-Dade County's residents; and

**WHEREAS**, this Board recognizes the deleterious effects of underage drinking upon both minors and the community as a whole; and

**WHEREAS**, this Board recognizes that night clubs, where alcoholic beverages are dispensed and which have late hours of operation, are particularly attractive establishments to minors; and

**WHEREAS**, this Board is committed to reducing underage drinking and curbing minors' exposure to the consumption of alcoholic beverages; and

**WHEREAS**, accordingly, this Board wishes to prohibit minors from the premises of night club establishments to address and reduce the occurrence of underage drinking in this community,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-151.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

**>>Sec. 33-151.1.     Allowing minors at a night club prohibited.**

- (a) It shall be unlawful for any establishment operating only as a night club, whether or not such establishment has a certificate of use (C.U.) to operate as a night club, to allow, authorize or permit any person who is a minor under 18 years of age on the premises at any time.
  
- (b) The owner of the real property upon which the establishment operates as a night club, the owner and operator of the night club, and the holder of the C.U. authorizing the establishment's operation as a night club are jointly and severally liable for violations of this section.<<

**Section 2.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 8CC-10.            Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
33-150(H)	Illegal band or orchestra music, dancing or entertainment	500.00
>>33-151.1	<u>Allowing, authorizing or permitting any person who is a minor on the premises of a night club at any time</u>	500.00<<
33-168	Illegal placement, storage, or use of mobile home or trailer outside of an approved mobile home park	500.00
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**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

GBK

Prepared by:

D.S.

Dayron Silverio

Prime Sponsor: Commissioner Barbara J. Jordan