

# MEMORANDUM

Agenda Item No. 7(F)

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

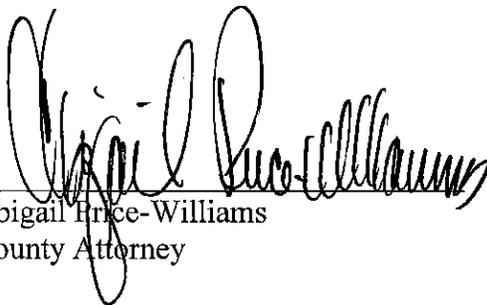
**DATE:** October 5, 2016

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

**SUBJECT:** Ordinance pertaining to night clubs and minors; creating section 21-50 of the Code; prohibiting any night club, its owner or operator, and the owner of the underlying real property from allowing minors on the premises at any time; providing for revocation of certificate of use; providing for applicability in the unincorporated and incorporated areas of the County; providing for municipal and concurrent County enforcement; amending section 8CC-10; providing for civil penalties

**This Substitute differs from the original item in that it clarifies the persons and entities that are prohibited from allowing any minor under 18 years of age on the premises of a night club at any time.**

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

  
Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum



**Date:** October 5, 2016

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

**From:** Carlos A. Gimenez  
Mayor

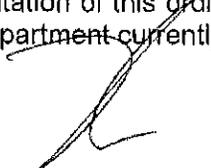
A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Fiscal Impact Statement for Ordinance Pertaining to Night Clubs

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The proposed ordinance pertaining to night clubs and minors amends Section 8CC-10, providing for civil penalties and creates Section 21-50 of the Code of Miami-Dade County, prohibiting any night club, its owner or operator, and the owner of the underlying real property from allowing minors on the premises at any time and provides for revocation of certificate of use, for applicability in the unincorporated and incorporated areas of the County and for municipal and concurrent County enforcement.

Implementation of this ordinance will not have a fiscal impact to the County as the Miami-Dade Police Department currently enforces this section of Code.



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Russell Benford  
Deputy Mayor

FIS08316 161660

# Memorandum



**Date:** October 5, 2016

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style and is positioned to the right of the "From:" field.

**Subject:** Social Equity Statement - Creation of Section 21-50 of the County Code and Amending  
Section 8CC-10 Providing for Civil Penalties

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The proposed ordinance creates Section 21-50 of the Code to prohibit any night club owner, night club operator, or the owner of the real property upon which the night club operates from allowing minors on the premises at any time with possibility of certificate revocation for violations.

The changes to the Code are meant to provide a clear notification that it is unlawful to allow minors onto the premises and to provide for penalties in the case of violations. The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83.

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Russell Benford  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** October 5, 2016

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

**SUBJECT:** Agenda Item No. 7(F)

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. 7(F)  
10-5-16

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

ORDINANCE PERTAINING TO NIGHT CLUBS AND MINORS; CREATING SECTION 21-50 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ANY NIGHT CLUB, ITS OWNER OR OPERATOR AND THE OWNER OF THE UNDERLYING REAL PROPERTY FROM ALLOWING MINORS ON THE PREMISES AT ANY TIME; PROVIDING FOR REVOCATION OF CERTIFICATE OF USE; PROVIDING FOR APPLICABILITY IN THE UNINCORPORATED AND INCORPORATED AREAS OF THE COUNTY; PROVIDING FOR MUNICIPAL AND CONCURRENT COUNTY ENFORCEMENT; AMENDING SECTION 8CC-10; PROVIDING FOR CIVIL PENALTIES; 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 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 in both the unincorporated and incorporated areas of the County; 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 21-50 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

>>Sec. 21-50.            Allowing minors at a night club prohibited.

- (a) Definition. For purposes of this section, “night club” shall mean any business that operates predominantly at night, supplies entertainment, and dispenses alcoholic beverages for consumption on the premises; provided, however, the term shall not be construed to mean:
- (1) A business located in a hotel or motel, as those terms are defined in Chapter 33 of this Code or applicable municipal ordinance, where music or other entertainment is permitted or provided for the guests of said hotel or motel only.
  - (2) A business operating as a restaurant, as that term is defined in Chapter 33 of this Code or applicable municipal ordinance, pursuant to a valid certificate of use (C.U.).
  - (3) A business operating at or as a park, beach, carnival, circus, stadium, school, or religious facility.
- (b) Prohibition and penalty. A<< ~~[[ny]]~~<sup>2</sup> >>night club,<< ~~[[including its owner and operator and]]~~ >>night club owner, night club operator, or<< >>the owner of the real property upon which the night club operates<< ~~[[§]]~~ >>shall

<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.

<sup>2</sup> The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

not allow, authorize or permit any minor under 18 years of age on the premises at any time. In addition to all applicable penalties, violators will be subject to revocation of any C.U. for a night club.

- (c) Countywide applicability and enforcement. This section shall be applicable in all the unincorporated and incorporated areas of Miami-Dade County with the enforcement of the provisions of this section being the responsibility of the County in the unincorporated area and the responsibility of the municipalities in the incorporated areas. The County shall also have concurrent jurisdiction to enforce the requirements of this section within municipalities.<<

**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 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
* * *		
21-48	Sale and installation of satellite dish antennas to residential customers	500.00
>>21-50	<u>Allowing, authorizing or permitting any person who is a minor on the premises of a night club</u>	500.00<<
21-81(d)	Any one of the specific misdemeanors enumerated in section 21-81(d)	100.00
* * *		

**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:

ADW

Prepared by:

D.S.

Dayron Silverio

Prime Sponsor: Commissioner Barbara J. Jordan