

TO: HONORABLE MEMBERS  
CITY COUNCIL

DATE: SEPTEMBER 20, 1966

FROM: EDMUND P. COOPER  
MAYOR

SUBJECT: ORDINANCE NO. 273  
AMENDING SECTIONS 3-12  
AND 3-13 OF THE CODE OF  
THE CITY OF WEST MIAMI

On September 7, 1966, the City Council adopted Ordinance No. 273 titled "Ordinance of the City of West Miami, Florida, Amending Sections 3-12 and 3-13 of the Code of the City of West Miami, Florida, by Reducing Distance Requirements Between Alcoholic Beverages Licenses and Churches, Schools, and Other Licensees."

By the authority vested in me, I have disapproved Ordinance No. 273 and, in compliance with Article II, Section 7 of the City Charter, I am returning it to the Council.

My objections to the ordinance are:

1. It debilitates the original purpose of requiring certain distances between alcoholic beverage vendors. It was the intent of the Council in 1950, when distance requirements were first established, that no additional alcoholic beverage vending licenses would be issued for the reason that this type of business was considered undesirable. The Council has steadfastly and consistently adhered to this policy during the sixteen succeeding years, to the point of denying many requests similar to that of Cristiano, Inc., which brought on the changes provided in Ordinance No. 273.

2. Beer and wine bars are nuisances to the Police Department. This type of bar attracts an undesirable element, and they are mostly patronized by persons who do not reside within West Miami.

There is one point of information I am adding, not relevant to the main reasons I oppose the reduction in distances between bars: the present operators of the Cristiano, Inc. restaurant and bakery applied for an alcoholic beverage license months before moving to the present location and beginning restaurant operations. They were clearly informed then that the distance regulations precluded issuance of a license. I think this nullifies the claim that they are suffering hardships because they made an investment in the restaurant and were then denied a beer and wine vending license.

ORDINANCE NO. 273

ORDINANCE OF THE CITY OF WEST MIAMI,  
FLORIDA, AMENDING SECTIONS 3-12 AND  
3-13 OF THE CODE OF THE CITY OF WEST  
MIAMI, FLORIDA, BY REDUCING DISTANCE  
REQUIREMENTS BETWEEN ALCOHOLIC BEVER-  
AGES LICENSEES AND CHURCHES, SCHOOLS  
AND OTHER LICENSEES.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF WEST MIAMI,  
FLORIDA:

Section 1. That Sections 3-12 and 3-13 of the Code of the  
City of West Miami, be and are hereby amended to read as follows:

"Sec. 3-12. Distance requirements between licensees.  
No license under section 3-15 shall be issued where  
the place of business designated in the application  
therefor is located within 1,000 feet from another  
place of business for which there is already issued  
any license under said section, except as provided in  
section 3-14. The method of measurement that shall be  
applied to determine whether or not a place of business  
applying for a license is within or without 1,000 feet  
from another licensed place of business shall be measured  
by following the shortest route of ordinary pedestrian  
travel along the public thoroughfare from the main en-  
trance to such place of business to the main entrance of  
any other licensed place of business. (Ord. No. 116,  
§12, 1-19-53)

"Sec. 3-13. Same--Between licensee and church and school.  
No license under section 3-15 shall be granted to a  
vendor whose place of business is within 1000 feet of an  
established church or within 1,000 feet of a school, which  
distance shall be measured by following the shortest route  
of ordinary pedestrian travel along the public thoroughfare  
from the main entrance of such place of business to the  
main entrance of the church, and, in the case of a school,  
to the nearest point of the school, to the nearest point  
of the school grounds in use as part of the school facili-  
ties. (Ord. No. 116, §13, 1-19-53; Ord. No. 258, §3,  
8-5-64)"

Section 2. It is intended that if any section, sub-section,  
sentence, clause or provision contained hereis held invalid the re-  
mainder shall not be affected.

Section 3. It is the intention of the City Council and it is hereby enacted, that the provisions of this Ordinance shall become and be made a part of the Code of the City of West Miami, Florida, and that sections of this Ordinance may be re-numbered or relettered to accomplish such intention.

PASSED AND ADOPTED this 3<sup>d</sup> day of September, 1966.

Harvey H. Stahl  
PRESIDENT OF CITY COUNCIL

ATTEST:

Bessie Blum  
City Clerk

APPROVED:

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Mayor

This Ordinance was vetoed by the Mayor at the regular meeting of the City Council, September 21, 1966, and was passed over his veto by a unanimous vote of the Council.