

ORDINANCE NO. 318

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF WEST MIAMI, FLORIDA BY ADDING THERETO SECTION 13.1 PRESCRIBING DISTANCE LIMITATIONS BETWEEN CERTAIN RESTAURANTS HOLDING ALCOHOLIC BEVERAGE LICENSES AND CHURCHES AND SCHOOLS; AND AMENDING SECTION 15 BY PRESCRIBING LICENSE FEES FOR CERTAIN RESTAURANTS AS DEFINED THEREIN, ESTABLISHING PENALTIES FOR VIOLATIONS; EXPRESSING INTENT THAT ORDINANCE BE INCLUDED IN THE CITY CODE; AND ESTABLISHING EFFECTIVE DATE.

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

Section 1. That Chapter 3 of the Code of West Miami, Florida be amended by adding thereto, as Section 13.1, the following:

"Sec. 13.1. Distance requirements between restaurants, churches and schools.

No license under Sec. 3-15(g) shall be granted to a vendor whose place of business is within 500 feet of an established church or house of worship, 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 grounds in use as part of the school facilities."

Section 2. That Chapter 3 of the Code of West Miami, Florida be amended by adding thereto, as Section 15(g) the following:

"Sec. 3-15. License fees for vendors.

* * *

(g) Vendors operating restaurants with not less than 40 seats which serve food

prepared in a kitchen and who have no alcoholic beverage service bar and serve alcoholic beverages only with the service of food, and sell beverages containing alcohol of more than 1% by weight and not more than 14% by weight, and wines regardless of alcoholic content, Fifty Dollars (\$50.00)."

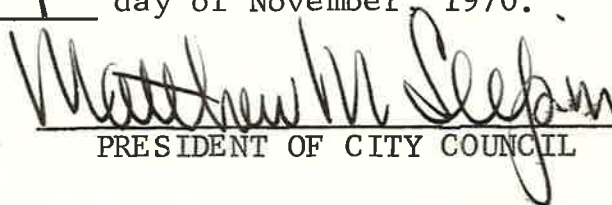
Section 3. Any person violating any of the provisions of this ordinance shall upon conviction be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed 60 days, or both such fine and imprisonment. Each day's violation shall be deemed and considered to be a separate violation hereof and punishable as such.

Section 4. It is intended that if any section, subsection, sentence, clause or provision contained herein is held invalid the remainder shall not be affected.

Section 5. 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 re-lettered to accomplish such intention.

Section 6. This ordinance shall take effect November 6, 1970.

PASSED AND ADOPTED this 4th day of November, 1970.



PRESIDENT OF CITY COUNCIL

ATTEST:



City Clerk

APPROVED:



Mayor