

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING CHAPTER 3, CODE OF ORDINANCES, CITY OF WEST MIAMI, BY ADDING AS SECTION 3-28 PROVISION MAKING IT UNLAWFUL TO DRINK ALCOHOLIC BEVERAGES IN PUBLIC PLACES OR ON PRIVATE PROPERTY, OR IN VEHICLES PARKED THEREON WITHOUT PERMISSION OF THE OWNER, TENANT, OR OTHER PERSONS IN POSSESSION THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; EXPRESSING INTENT OF SEVERABILITY; EXPRESSING INTENT THAT ORDINANCE BE MADE PART OF CITY CODE; AND ESTABLISHING EFFECTIVE DATE.

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

Section 1. Chapter 3, Code of Ordinances, City of West Miami, Florida, is hereby amended by adding thereto as Section 3-28 the following:

"Sec. 3-28. Prohibition of drinking alcoholic beverages in public places and certain private places.

It shall be unlawful for any person to drink alcoholic beverages in any public place in the City of West Miami, Florida, or upon the grounds of any private premises within the city without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle while said vehicle is parked upon any public place or upon the grounds of any private premises without the consent of the owner, tenant, or other person in lawful possession of such private premises. The term 'public place' as used herein shall mean streets, sidewalks, parkways, parks, playgrounds, school buildings, school yards, motor vehicle inspection stations, City Hall, libraries, and any other property owned or in the possession of the City of West Miami, or any other state, county, or any other governmental agency, and which property is used or intended for use by city or governmental employees or by members of the general public."

Section 2. That any person, persons, firm, partnership or corporation violating any of the provisions hereof shall, upon conviction, be punished by a fine not to exceed \$500.00, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment in the discretion of the Municipal Judge.

Section 3. If any section, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance; and it shall be construed to have been the intent of the Council of the City of West Miami to pass this ordinance without such unconstitutional, invalid, or inoperative part therein; and the remainder of this ordinance, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included therein.

Section 4. It is intended that this Ordinance be permanent in nature and shall be included in the Code of Ordinances, City of West Miami, Florida.

Section 5. This Ordinance shall take effect September 1, 1974.


PASSED and ADOPTED, this 7th day of August, 1974.


President, City Council

ATTEST:


City Clerk

APPROVED:


Mayor