

ORDINANCE NO. 91-10

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ARTICLE VII, SECTION 5, SUBSECTION 5-102(5) (a) (b) AND (c) OF THE CODE OF WEST MIAMI, BY PROVIDING THAT BARS, LOUNGES, NIGHTCLUBS AND OTHER FOOD, ENTERTAINMENT WITH ALCOHOLIC BEVERAGE SERVICE ESTABLISHMENTS, EXCLUDING BEER AND WINE SERVICE ONLY, SHALL PAY FOR A ZONING CERTIFICATE OF USE IN THE SUM OF \$500.00; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR PENALTY; PROVIDING FOR CODIFICATION; AND, PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA,

Section 1. Subsection 5-102(5)a.b. and c., of the Code of West Miami, Florida, be and is hereby amended to read as follows:

Subsection 5-102(5) Restaurants. bars. nightclubs, cafeterias, delicatessens and other food and beverage service establishment fees are as follows:

- (a) Restaurants and other food service establishments with seats (including food establishments having beer and wine license only)
First 60 seats \$ 40.00
Each additional seat or portion thereof . . . 15.00
- (b) Restaurants and other food service establishments without seats (including food establishments having beer and wine license only)
First 1,000 sq. ft. of floor area \$ 40.00
Each additional thousand sq.ft. or portion thereon 15.00
- (c) Bars, lounges and nightclubs 500.00

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 4. Any person violating the provisions of this ordinance shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than sixty (60) days, or shall be both fined and imprisoned, in the discretion of the court. Each day that such violation shall continue shall constitute a separate offense.

Section 5. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the West Miami Code; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section, article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 4th day of DEC., 1991.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

Approved as to form and sufficiency

Jose E. Hernandez Jr.
CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo *abs.*

Vice Mayor Sosa *y*

Commissioner Busse *y*

Commissioner Herbert *y*

Commissioner Trigo *y*

Date of 1st reading: *11-6-91*

Date of Publication: *11-20-91*

Date of 2nd reading: *12-4-91*

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