

ORDINANCE NO. 2017-063

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL AMENDING CHAPTER 6 ENTITLED "ALCOHOLIC BEVERAGES"; AMENDING ARTICLE III ENTITLED "REGULATIONS"; SECTION 6-66 ENTITLED "DISTANCE SEPARATION REQUIREMENTS; RESTRICTIONS"; SUB-SECTION (b)(2)g PERTAINING TO THE REQUIRED MINIMUM SQUARE FOOTAGE, AND CAPACITY TO SERVE FULL COURSE MEALS AT RESTURANTS, WITH A STATE OF FLORIDA 4-COP-SRX ALCOHOL LICENSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 561.20(4) provides that restaurants granted a State of Florida 4-COP-SRX, also known as an SFS license, may serve alcoholic beverages as long as the restaurant has 2,500 square feet, and is equipped to serve meals to 150 persons at one time; and

WHEREAS, Hialeah Code of Ordinances requires restaurants to have 4,000 square feet, that are equipped to serve 200 persons to serve alcoholic beverages pursuant to the 4-COP-SRX; and

WHEREAS, reducing the square footage to seat requirements will increase the number of full service restaurants that site within the City with a 4-COP-SRX also known as an SFS license.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 6 Entitled "Alcoholic Beverages"; Article III Entitled "Regulations"; Section 6-66 entitled "Distance separation requirements; restrictions."; Sub-section (b)(2)g, pertaining to restaurants and the required minimum square footage and meals, before alcoholic beverages may be served in restaurants, is hereby amended as follows:

Chapter 6

* * *

ALCOHOLIC BEVERAGES

* * *

ARTICLE III. REGULATIONS

* * *

(b) Restaurants holding a 722110A series business tax receipt, shall not sell, offer for sale, deliver or serve alcoholic beverages, wine, and beer for consumption or use on the premises, except as follows:

* * *

(2) For sale and/or on-premises consumption of alcoholic beverages, the 722110A series licensee must obtain a state 4-COP-SRX, also known as an SFS license, and must comply with the following.

* * *

g. The restaurant shall have a service area of at least ~~4000~~ 2,500 square feet and shall be equipped to serve ~~200~~ 150 people sit-down full-course meals at tables, having at least ~~200~~ 150 chairs or seats, excluding barstools or counter stools, at one time. The restaurant shall comply with all state requirements.

* * *

Section 2. Severability Clause.

If any phrase, clause, sentence, paragraph or section of this subdivision shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect.

Section 3. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Penalties.

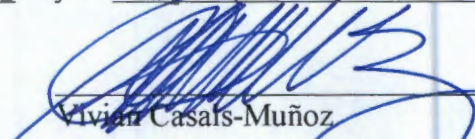
Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5. Effective Date.

This Ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26 day of September, 2017.

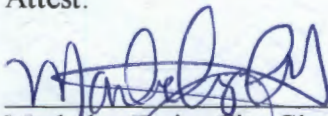
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



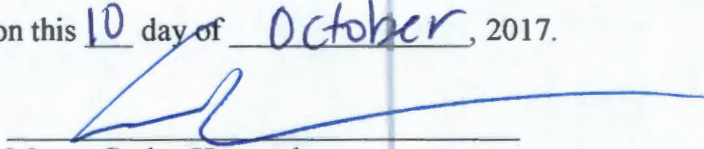
Vivian Casals-Muñoz
Council President-Pro-Tem

Attest:

Approved on this 10 day of October, 2017.

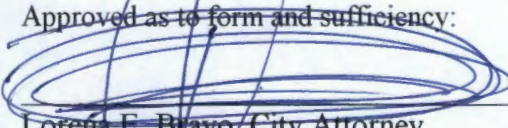


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and sufficiency:



Lorena E. Bravo, City Attorney
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Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Lozano, Hernandez, Garcia-Martinez and Casáls-Muñoz voting "Yes". Council President Gonzalez and Vice President Cue-Fuente absent.