

ORDINANCE NO. 2023-001

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, COMPREHENSIVELY UPDATING AND AMENDING CHAPTER 111, "ALCOHOLIC BEVERAGES" OF THE NORTH BAY VILLAGE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Bay Village ("Village") has adopted a Code of Ordinances (the "Code") to govern and address certain issues and situations, such as providing regulation for building construction, health and sanitation, and various business activities, in order to promote the health, safety, order, convenience, comfort and general welfare of the public; and

WHEREAS, the Village finds it periodically necessary to amend its Code in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, during its 75th anniversary year and following an extended public discussion about future growth and development, the Village adopted the "NBV100 Master Plan," which looks at the community's next twenty-five years; and

WHEREAS, the "NBV100 Master Plan" envisions the 79th Street Causeway through Treasure Island as a vibrant, pedestrian-oriented urban corridor, encompassing ground floor retail, dining, and entertainment uses, along with structured parking, office, multifamily residential, amenities, and other permitted uses on upper stories of mixed-use buildings; and

WHEREAS, to implement the NBV100 Master Plan, on February 9, 2021, the Village adopted a new Form-Based Code that applies to land on both sides of the 79th Street Causeway through Treasure Island. The new regulations incentivize the development and redevelopment of this land in a manner consistent with the NBV100 Master Plan vision and goals for this area; and

WHEREAS, since the adoption of the Form-Based Code, the Village has approved several requests for mixed-use projects consistent with the NBV100 Master Plan, one of which, as a redevelopment project, will require the demolition of an existing building and the relocation of several existing alcoholic beverage licensees' businesses to other locations within the Village; and

WHEREAS, several of these relocated businesses, as well as one of the new uses proposed through the site plan approval process were required to obtain variances from the provisions of Chapter 111 (Alcoholic Beverages) of the Village's Code of Ordinances, due to their distance from the Treasure Island Elementary School (TIES) campus; and

WHEREAS, the renewed scrutiny of Chapter 111 as a result of these variance requests indicated that the regulatory framework for alcoholic beverage licenses does not currently align with the vision of NBV100 Master Plan for the 79th Street Causeway; and

WHEREAS, Chapter 111 was initially adopted by North Bay Village in 1964, and many of the regulations currently contained in this chapter are outdated, poorly written, lacking in clarity, and generally not supportive of or tailored to the Village's needs for the 79th Street Causeway corridor; and

WHEREAS, the Village Commission finds that in its current form, Chapter 111 creates unfavorable regulatory conditions for the types of businesses that the Village wishes to attract to this corridor; and

WHEREAS, as a result, during the June 20, 2022 meeting of the Village Commission, Staff was directed to undertake an update of Chapter 111; and

WHEREAS, the modifications provided herein are consistent with the NBV100 Master Plan, the Village's Comprehensive Plan, the Florida Community Planning Act, and Miami-Dade County's proposed ordinance; and

WHEREAS, the Planning and Zoning Board, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and has recommended approval to the Mayor and the Village Commission; and

WHEREAS, this Ordinance was presented to the Village Commission in two readings, with second reading conducted as the required public hearing on March 8, 2023; and

WHEREAS, the Village Commission, after a duly noticed public hearing, finds that this Ordinance is in the best interest of the community and will promote the public health, safety, and welfare of the Village's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Chapter 111 of the Village Code. That Chapter 111, "Alcoholic Beverages" of the code of ordinances of North Bay Village, Florida, is hereby

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

amended to read as provided in Exhibit "A," which is incorporated herein and made a part hereof by this reference.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

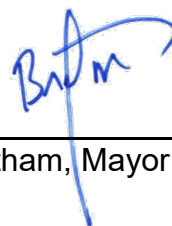
Section 4. Codification. That it is the intention of the Village Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

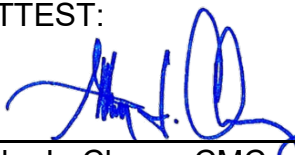
PASSED on first reading on the 15th day of February, 2023.

PASSED AND ADOPTED on second reading on the 8th day of March, 2023.



Brent Latham, Mayor


ATTEST:



Alba L. Chang, CMC
Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss Serota Helfman Cole & Bierman, PL
Village Attorney

First Reading:

Moved By: Vice Mayor Chervony

Seconded By: Commissioner Rotondaro

Second Reading:

Moved By: Commissioner Streitfeld

Seconded By: Vice Mayor Chervony

Vote on Final Adoption:

Mayor Brent Latham	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Goren Cuk	<u>Yes</u>
Commissioner Andrew Rotondaro	<u>Yes</u>
Commissioner Rachel Streitfeld	<u>Yes</u>

Chapter 111 ALCOHOLIC BEVERAGES¹**GENERAL PROVISIONS****§ 111.01 Definitions.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms used but not defined herein shall have the respective meanings given to them in Chapters 3 or 15 of the Unified Land Development Code, whichever is stricter.

Alcoholic beverages. All beverages containing one-half (1/2) of more than one percent (1%) or more of alcohol by weight/volume, to be determined as set forth in F.S. § 561.01(4)(a).

Bar. An indoor or outdoor establishment having as its principal or predominant use the selling, serving or dispensing alcoholic beverages for consumption on the premises, which sets a minimum age requirement for entrance, consistent with state law, and which may have entertainment. The primary source of revenue for such use is derived from alcohol sales, and the secondary source – if any - from the serving of food. As such, food sales account for less than fifty one percent (<51%) of total establishment sales.

Business establishment. Includes, but is not limited to, any place of business or any club, organization, person, firm, corporation or partnership such as a golf club, country club, veteran's fraternal or benevolent organization, private hall, grocery store, drug store, nightclub, bottle club, cocktail bar, hotel bar, tavern, restaurant bar, grill, filling station, convenience store, package store, or any other building, structure, or location or portion thereof, where in one person directly or indirectly pays another for purchase or dispensing of an alcoholic beverage.

~~*Cocktail lounge.* A lounge or room, selling, serving or dispensing alcoholic beverages for consumption on the premises, which may have entertainment, but which does not sell food for consumption on the premises. In those instances where a lounge and restaurant, as defined in this section, are operated under a common ownership, in a single building, they shall have to pay only the one license fee for such operation.~~

Conspicuously posted. Clearly visible, easily readable and immediately apparent upon viewing.

Consumption off premises. The selling of alcoholic beverages in the original sealed containers, to be taken by the purchaser off the premises where sold, before being consumed.

Consumption on premises. Consumption of any alcoholic beverages, or the right to sell alcoholic beverages by the drink and/or bottle for consumption on the premises where sold.

Dispense. Storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee, or employee of a business establishment. For purpose

¹State law reference(s)—Alcoholic beverage law, F.S. Ch. 561 et seq.

of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment to be consumed thereon shall constitute the dispensing of such beverages.

Employee. Any person employed by any person, firm, corporation, or business entity holding a license issued by the Village, as set forth in the definition of "employers" below.

Employers. Any person, firm, corporation, or other business entity holding a license issued by the Village to sell, serve, or dispense any alcoholic beverages for consumption on the premises or resale off the premises from which it was sold, served, or dispensed.

Grocery store. A store over 5,000 square feet in area, which sells food and household supplies, and which may sell alcohol limited to beer and wine in sealed containers for consumption off the premises.

~~*Minor.* Any individual under the legal drinking age as set forth in F.S. § 562.11 and 562.111 as the same may be amended from time to time.~~

~~*Nightclub.* A restaurant, dining room, or other establishment, licensed by the Village as a "nightclub" which, in addition to serving and selling food for consumption on the premises, serves, sells, or dispenses alcoholic beverages to customers in the premises for consumption on the premises and where floor shows or other forms of entertainment are provided for the guests in the premises, at any time from 10:00 a.m. to 5:00 a.m. seven days a week. An establishment, or part thereof, where food and/or alcoholic beverages may be served for consumption on the premises, and where the primary function is the provision of entertainment at night in the form of on-site live performances, dancing, comedic performances, or other entertainment activities. "Nightclub" shall not be construed to include an adult entertainment establishment, which is prohibited from selling, serving, or consuming alcoholic beverages by Section 119.21 and is otherwise regulated by Chapter 119 of the Village Code.~~

Restaurant. A room, building, or portion of a building licensed by the Village as a "restaurant," whose primary service to its customers is the preparation and serving of meals and other edibles for consumption on the premises, where food sales account for fifty one percent or more ($\geq 51\%$) of total establishment sales. "Restaurant" does not include sandwich shops, snack bars, or other eating establishments whose principal function is serving snacks or sandwiches. ~~In those instances where a lounge and restaurant, as defined in this section, are operated under a common ownership, in a single building, they shall pay a separate license fee for each such operation.~~

Retail. Sale to the ultimate consumer.

Sale and sell. Sale and sell shall mean "sale" and "sell" as set forth in F.S. § 561.01(9), as same may be amended from time to time.

Wholesale vendor. Any person, firm, corporation, or other business entity who sells or offers to sell, consigns, or offers to consign any alcoholic beverage for resale, regardless of quantity sold or offered for sale by the "wholesale vendor."

~~*Wine.* All beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added in the manner required by the laws and regulations of the United States, and shall further include all sparkling wines,~~

champagnes, combinations of the aforesaid beverages, sake, vermouths, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or the color of the product may not be allowed to imitate a beverage other than wine or to change the character of the wine. Wine shall mean "wine" as set forth in F.S. § 564.01, as same may be amended from time to time.

§ 111.02 Incorporation by reference into zoning code.

The zoning regulations of the Village shall incorporate by reference every provision and restriction contained in this chapter pertaining to alcoholic beverages, including but not exclusive of the provisions of section 111.12.

~~§ 111.03 Variances.~~

~~Any variance request from the regulations and restrictions contained in this chapter shall require a majority vote of the Village Commission, following consideration by the Planning and Zoning Board. In making a determination regarding a variance request from the provisions of this chapter, the Village Commission may consider in the alternative the following:~~

~~(A) The standards contained in section 152.097~~

~~(B) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Village Commission in determining its findings may take into account the effect of the granting of the variance upon the number of persons residing or working in the building or on the land, and traffic conditions in the vicinity of the location of the requested variance.~~

~~(C) The Village Commission shall also consider whether a requested variance is consistent with the purposes and goals contained in and projected in the Master Plan adopted by the Village pursuant to Resolution No. 2239, adopted November 9, 1970.~~

LICENSING AND SALES

§ 111.10 State and municipal licenses and fees; fees for remaining open until certain hour.

(A) Each vendor of alcoholic beverages, ~~as defined in section 111.01~~, operating within the Village, shall obtain a state license as required by F.S. §§ 563.02, 564.02, and 565.02, and shall pay to the state the required fees, a portion of which shall be remitted to the Village in accordance with F.S. § 561.342. All licensees shall also pay the required license fees to the Village, pursuant to the Fee Schedule adopted by resolution of the Village Commission. Any person, firm, or corporation owning or operating a nightclub, or a retail vendor for off-premises consumption, ~~as defined in section 111.01~~, shall may, in addition to the required state fee, as it now and hereafter exists, pay thean additional sum of \$2,500.00 license fee, as established in the

Village's adopted Fee Schedule, for the privilege of remaining to remain open until 5:00 a.m., seven days a week, or such additional hours as may be provided for in section 111.11 of this chapter.

- (B) It shall be unlawful for any person, firm, corporation, or other business entity, to engage in the business of selling, dispensing, or serving alcoholic beverages, wines, and beer in the Village without having first obtained a license from the Village to engage in that business. Any person, firm or corporation, before engaging in the business of selling, serving, or dispensing alcoholic beverages, shall file with the Village Clerk a sworn application stating the character of the business to be engaged in, the address of the existing building wherein the premises sought to be licensed is located, and stating that the applicant has the right of immediate possession to the premises. The application shall further state the name of the manager or person to be in charge of the business and the type of license as defined in this chapter, which the applicant desires. The application shall also give the names and addresses of any persons having ownership in the business for which the license is being sought.
- (C) Administrative review by the Planning and Zoning Official or designee is required for the issuance of all licenses pursuant to this Chapter. The Planning and Zoning Official is authorized to mandate the provision of documentation to substantiate the satisfaction of conditions associated with each category of license and use.

§ 111.11 Hours of sale.

- (1) ~~Nightclubs license owners~~ shall be allowed to sell, serve, and dispense alcoholic beverages for consumption on the premises from 10:00 a.m. to ~~52:00 a.m.~~ seven (7) days a week. Additionally, a nightclub may seek approval to extend its hours of sale until 4:00 a.m. up to four (4) nights a week, subject to the payment of an additional fee to the Village pursuant to section 111.10(A). The license application form submitted to the Village shall specify which nights the extended hours will apply to. Any existing nightclub license holder as of [INSERT THE EFFECTIVE DATE OF THIS ORDINANCE] may sell, serve, or dispense alcoholic beverages seven days a week from 10:00 a.m. until 5:00 a.m., or pursuant to the written approval granted by the Village prior to [INSERT THE EFFECTIVE DATE OF THIS ORDINANCE], whichever is applicable.
- (2) ~~Restaurants license holders~~ shall be allowed to sell, serve, and dispense alcoholic beverages for consumption on the premises from 10:00 a.m. to 2:00 a.m., ~~seven (7) days a week, if their restaurant license does not prohibit the holder from staying open for such periods of time.~~
- (3) ~~Lounges Bars where alcoholic beverages are sold, served, and dispensed for consumption on the premises~~ shall be allowed to sell, serve, and dispense alcoholic beverages from 10:00 a.m. until 2:00 a.m. seven (7) days a week.
- (4) Retail vendors of alcoholic beverages for consumption off the premises shall be allowed to ~~remain open sell such beverages~~ from ~~408:00 a.m.~~ 12:00 a.m. However, such establishments may seek approval to extend their hours of sale until 2:00 am. up to two (2) nights per week, subject to the payment of an additional fee to the Village pursuant to section 111.10(A). The license

application form submitted to the Village shall specify which nights the extended hours will apply to. Retail vendors of alcoholic beverages for consumption off the premises that sell alcohol incidentally to the sale of other goods may sell alcoholic beverages at any time that such businesses remain open.

(5) Applications for extended hours licenses shall be submitted for review and comment by the Planning and Zoning Official. Approval of the application shall be based upon the following criteria:

a) Compliance with applicable zoning and use requirements.

b) Mitigation of adverse effects, if any, that the extended hours of operation or other applicable issues will have on neighboring properties, especially with respect to patron activities, including, but not limited, light and noise from music and/or patrons that may disturb surrounding properties. Mitigation conditions may include, but are not limited to, provision of additional security; additional buffering; recycling bins provided outside the establishment; and

c) No history of violations and no outstanding violations.

(B) The hours of sale listed in subsection (A) above shall be the only hours when alcoholic beverages may be sold, dispensed, or served. However, these limits shall not prohibit establishments from serving or selling food and nonalcoholic beverages beyond the expiration of the hours for serving alcoholic beverages if the business tax receipt held permits this.

§ 111.12 Distance limitations from schools and churches; between licensees.

(A) Distance limitations from schools ~~and churches~~ for alcoholic beverage licenses shall be as follows:

(1) No license for the sale of liquor, beer, and wine, or alcoholic beverages shall be granted or issued to any person or establishment where the place of business designated in the application ~~therefore~~ is within 500 feet of a public school. This distance shall be the airline distance from the main entrance of the place of business to the nearest ~~point~~ property line of the school grounds in use as part of the school facilities ~~real property occupied by a school.~~

(2) ~~No license for the sale of liquor, beer, and wine, or alcoholic beverages shall be granted or issued to any person where the place of business designated in the application therefor is within 500 feet of a church. This distance shall be the airline distance from the main entrance of the place of business to the main entrance of the church.~~ Restaurants and grocery stores selling beer and wine are exempt from the distance requirement described above.

(3) ~~The provisions of this subsection (A) shall not apply to vendors of beverages containing alcohol of more than one percent by weight and not more than 3.2 percent by weight for consumption off the premises only.~~

(B) Distance limitations between licenses for the sale of alcoholic beverages shall be as follows:

- (1) ~~No license for a restaurant, loungebar or retail vendor of alcoholic beverages for consumption on the premises shall be granted to any person, firm, or corporation or establishment to sell or serve intoxicating liquor where the proposed or existing establishment of the person, firm, or corporation shall be situated less than 300 feet from an existing restaurant, loungebar, retail vendor of alcoholic beverages, or nightclub licensee holding a 4COP or an SRX 4COP License.~~
- (2) ~~No nightclub license shall be granted to any person, firm, or corporation or establishment to sell or serve intoxicating liquor, wine, or beer where the proposed or existing establishment of the person, firm, or corporation shall be situated less than 1,000 feet from an existing licensee~~ nightclub licensee or less than 300 feet from an existing bar licensee.
- (3) ~~No license for a retail vendor of alcoholic beverages, except for beer and wine, for consumption off the premises shall be granted to any person, firm, or corporation, or establishment to sell intoxicating beverages where the proposed or existing establishment of the person, firm, or corporation shall be situated less than 1,000 feet from an existing off-premises licensee. These distance separations shall not apply to grocery stores.~~
- (4) ~~No license for retail vendors of beer and wine for consumption off the premises in connection with an ancillary to the retail operation of a food and grocery store (retail) or supermarket licensed pursuant to the business tax receipt tax schedule as provided in § 110.10, shall be granted to any person, firm, or corporation where the proposed or existing establishment of the person, firm, or corporation shall be situated less than 300 feet from a similar existing licensee. No distance separation shall be required for restaurants from other restaurants, bars, retail vendors, or nightclubs.~~
- (5) ~~Distances under this subsection (B) shall be measured from the building line of an existing licensee and shall be the airline distance between the building's the front door of the proposed establishment and the front door of the existing licensee.~~
- (6) ~~This subsection (B) shall not apply to transfers of existing licenses to a new operator if the licenses are current and in good standing at the time of the transfers, provided that the transferred licenses shall be used at the existing locations.~~

§ 111.13 Variances.

- (A) Any variance request from the regulations and restrictions contained in this chapter shall require a majority vote of the Village Commission, following consideration by the Planning and Zoning Board. In making a determination regarding a variance request from the provisions of this chapter, the Village Commission shall consider the following:
- (1) That the variance maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations of the Village's Unified Land Development Code.

(2) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare of the community. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Village Commission in determining its findings may take into account the effect of the granting of the variance upon traffic conditions in the vicinity of the location of the requested variance.

(3) The Village Commission shall also consider whether a requested variance is consistent with the purposes and goals contained in and projected in the North Bay Village Comprehensive Plan and the NBV100 Master Plan.

(B) Variances from distance requirements ~~for bars~~ may be granted to proposed establishments if they are located nearer to another licensed ~~bar~~ establishment or to a school than the minimum required distance pursuant to section 111.12.

(C) Variances may be granted provided that the property for which the variance is sought has no outstanding violations, liens, or fees owed to the Village.

§ 111.14 Solicitation of alcoholic beverages prohibited.

~~(A) Pursuant to section 562.131, F.S., it shall be unlawful for any employer or employee, whether full or part time, in a place dispensing alcoholic beverages for consumption on the premises, to mingle, fraternize or solicit any customer of the establishment to purchase beverages for consumption by the employer or employee for which the customer pays.~~

~~(B) It shall be unlawful for any employee, whether full or part time, in an establishment dispensing alcoholic beverages for consumption on the premises, to mingle or fraternize with customers or patrons of the establishment incident to the purchasing of alcoholic beverages for consumption by the employee and for which the customer of the establishment pays.~~

~~(C) It shall be unlawful for any owner, operator, manager, or other employee of a place dispensing alcoholic beverages for consumption on the premises, to employ or permit on the premises any person to solicit drinks for himself or any other person for which a customer or patron of the establishment pays.~~

§ 111.14 Parking facilities for restaurants, nightclubs.

~~No restaurant, cocktail lounge, or nightclub serving alcoholic beverages to be consumed upon the premises shall be permitted in the Village and no license shall be issued therefor, unless such proposed place of business shall have parking facilities adjacent thereto equivalent to one automobile to each two and one-half seats. This section shall not apply to already existing and licensed places of business.~~

286 **~~§ 111.15 Sale of alcoholic beverages by grocery stores or markets.~~**

287 Any grocery store or market licensed to sell beer and wine as a part of its business
288 shall not be required to have more parking spaces than those required by the zoning code
289 regulations of the Village applicable to them, but sale of such alcoholic beverages shall
290 be restricted to those hours prescribed by their particular licenses pursuant to section
291 111.11(A)(4).

292 **~~§ 111.16 Sale of alcoholic beverages on election days.~~**

293 All places of business within the Village where alcoholic beverages are sold at
294 wholesale or retail, shall not make any such sales during any state, county, general, or
295 primary election or any municipal election, during the hours in which the polls are open.

296 **~~§ 111.17~~ Signage.**

297 (A) *Signage required for all business establishments selling alcoholic beverages.*
298 Pursuant to section 561.23, F.S., all vendors licensed under the Beverage Law shall
299 display their licenses in conspicuous places on their licensed premises. All persons
300 who own or operate a business establishment which sells or dispenses ~~retail~~
301 alcoholic beverages for consumption on or off the premises shall conspicuously post
302 a notice within said business establishment in such a place where alcoholic
303 beverages are either displayed, purchased or consumed. The required notice shall
304 consist of one or more signs or notices, each of which is not less than 93 square
305 inches (8½ × 11) with at least 30-point type, which contains the following information,
306 clearly discernable by persons to whom alcoholic beverages may be sold or
307 dispensed.

308 (1) It is unlawful to purchase alcohol if you are under 21 years of age.

309 (2) It is unlawful to sell or dispense alcohol to anyone under 21 years of age unless
310 exempt pursuant to F.S. § 562.11(4) ~~or 562.13.~~

311 (3) The penalties associated with the sale or dispensing of alcoholic beverages to
312 persons under 21 years of age include imprisonment in a County jail and a fine.

313 (4) A telephone number to report those who are in violation of the law. Such
314 telephone numbers may include but are not limited to:

315 a. 305-470-6787 - Division of Alcoholic Beverages and Tobacco.

316 b. 1-877-MEANS 21 (877-632-6721)

317 **(5) Contact information to obtain taxicab or shared ride service.**

318 ~~(B) Signage required for business establishments selling alcoholic beverage for~~
319 ~~consumption off the premises. No person shall sell at retail any alcoholic beverage~~
320 ~~for consumption off the premises of the business establishment unless said person~~
321 ~~has posted in a conspicuous place where the sale is to occur, a sign which is at least~~
322 ~~11 inches by 17 inches in size, which is plainly visible and legible to all persons~~
323 ~~entering the premises and which shall read as follows:~~

HEALTH WARNING

ALCOHOL IN BEER, WINE AND LIQUOR CAN CAUSE:

* INTOXICATION

* ADDICTION

* BIRTH DEFECTS

REDUCE YOUR RISKS:

* DO NOT DRINK BEFORE DRIVING OR OPERATING MACHINERY.

* DO NOT MIX ALCOHOL WITH OTHER DRUGS (IT CAN BE FATAL).

* DO NOT DRINK DURING PREGNANCY.

Hotels, restaurants, lounges and other establishments which are permitted to sell alcoholic beverages for consumption on the premises are expressly exempt from the provisions of this subsection (B).

(C) *Language of signs.* The owner or operator of a business establishment subject to this section shall conspicuously post translations of the required notice in Spanish and Creole.

(D) *Exemptions.* The restrictions of subsections (b) and (c) shall not apply to a bona fide restaurant without a restaurant bar. However, such place of business shall conspicuously post a notice with the contents set forth in subsection (b) above within said business establishment where it will be visible to all employees of the business.

(E) *Penalties.* If any section, subsection, sentence, clause or provision of this chapter is held invalid, the remainder of this chapter shall not be affected by such invalidity.

§ 111.99 Penalty.

Any person, firm, or corporation doing business or providing services in the Village as contemplated by this chapter without having first obtained a current valid license from the Village or from the state, as required by this chapter shall be subject to a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both, as provided by Charter section 3.08(D). Each day any person, firm, or corporation continues to operate without a required license shall be considered an additional violation, and they may be separately charged, tried, and convicted by a court of competent jurisdiction under the terms of this chapter.