

1 EXHIBIT 1  
2 ORDINANCE NO. 2018 –  
3

4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
5 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING  
6 CHAPTER 5 “ALCOHOLIC BEVERAGES”, SPECIFICALLY  
7 AMENDING SECTION 5-9. “NIGHTCLUB LICENSES;  
8 ISSUANCE AND RENEWAL”; PROVIDING FOR A PROCESS  
9 FOR TRANSFERS OF NIGHTCLUB LICENSES IN THE CITY;  
10 PROVIDING FOR CONFLICT; PROVIDING FOR  
11 SEVERABILITY; PROVIDING FOR CODIFICATION; AND  
12 PROVIDING FOR AN EFFECTIVE DATE.

13 WHEREAS, the City of Hallandale Beach Code of Ordinances provides a process for the  
14 issuance and renewal of nightclub licenses. The City Commission reviews and takes final action  
15 on the issuance, denial or renewal of nightclub licenses; and

16 WHEREAS, the process for transfers of nightclub licenses from one owner to another is  
17 not currently provided in the Code.

18 WHEREAS, City Administration recognizes the need to update the City’s nightclub  
19 provisions to create a process for transfers of nightclub licenses; and

20 WHEREAS, the Mayor and the City Commission have determined that it is in the best  
21 interest of the residents of the City to update Chapter 5 to provide for the process of transferring  
22 nightclub licenses.

23 NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF  
24 HALLANDALE BEACH, FLORIDA:  
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26 **SECTION 1.** The foregoing “Whereas” clauses are hereby incorporated herein.

27 **SECTION 2.** Chapter 5 “Alcoholic Beverages” of the Code of Ordinances of the City of  
28 Hallandale Beach, Florida is hereby amended to read as follows:  
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30 **Sec. 5-9. - Nightclub licenses; issuance and renewal.**

31 (a) A person licensed under the provisions of the state beverage law may file an application  
32 with the city for a nightclub license to enable the applicant to serve, offer for sale, and sell  
33 upon the applicant's premises, liquor, wine and beer, until the hours of 4:00 a.m. or 6:00  
34 a.m. Upon receipt of an application for a nightclub license, the development services

department director shall place the application on the planning and zoning board agenda for a hearing and notify the applicant of the date of such hearing. At the time of the hearing, the planning and zoning board shall recommend to the city commission that the commission grant the license, deny the license, or grant the license subject to certain conditions. Once the planning and zoning board has made its recommendation, the application shall be placed on the city commission agenda, and the city commission shall hear the application after proper notice to the applicant of the date of such hearing. At the time of the hearing, the city commission may grant the license, deny the license, or grant the license subject to specific conditions. The applicant may seek review of the city commission's decision, as provided by law. In considering the application, the planning and zoning board and the city commission shall base their decisions on the following criteria:

- (1) The amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to any spillover effect creating illegal or hazardous parking or parking in adjacent residential areas.
  - (2) The amount and degree of law enforcement activities generated by the extra hours of operation, both inside and outside the particular location, with particular reference to noise, vehicular use by patrons, and illegal activity of any kind by employees, patrons or others associated with the establishment, during or within one hour after the extended hours of operation.
  - (3) The adverse effects, if any, that the extended hours of operation will have on neighboring properties, especially with respect to the effects of noise, parking and glare from headlights or exterior lighting, on nearby residential properties.
- (b) The city commission may require, as a condition of the privilege of extended hours of operation, compliance with any reasonable conditions deemed by the commission to be necessary to mitigate or eliminate the adverse effects of that operation. These conditions may include, without being limited to, provision by the owner or operator or the licensee, at his expense, of additional off-street parking, security personnel, and screening and buffering from nearby properties.
- (c) The granting of extended hours of operation, either citywide or to a particular licensee, has been and continues to be a privilege subject to modification or termination by the city commission each year at renewal time; and no person may reasonably rely on the continuation of that privilege.

(d) All nightclub licenses shall expire at 11:59 p.m. on September 30 of each year unless previously renewed by the city commission. The development services director shall place all current nightclub licenses on the agenda for the first regular city commission meeting in August and shall notify all licensees of that date. The city commission may deny renewal, grant renewal or grant conditional renewal. The specific criteria for city commission consideration in making the decision shall be the same criteria set forth in subsection (a) of this section for the original issuance.

(e) If prior to renewal time the city manager determines that any licensee has either violated a condition of renewal or is operating in a manner harmful to the public health, safety or welfare, he may place on the city commission agenda the matter of revoking the nightclub license, providing at least ten days written notice to the licensee of the charges against him and the date, time and place of the agenda item, and, after consideration of the matter, and allowing the licensee to be heard, the city commission may revoke, modify or condition the nightclub license. In deciding whether to revoke the license, the city commission shall consider the specific criteria contained in section 5-9(a)(1—3). The licensee may seek review of the city commission's decision as provided by law.

(f) In addition to the business tax, each licensee shall pay an annual nonrefundable application fee and, in the event of approval, a regulatory fee to defray the costs of policing and regulation. Such fees are on file in the development services department.

(g) A nightclub business license issued under the provisions of this Section may not be assigned or transferred without consent of the City Commission.

**SECTION 3. Conflict.** All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

**SECTION 4. Severability.** Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

**SECTION 6. Effective date.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1<sup>st</sup> reading on \_\_\_\_\_, 2018.

PASSED AND ADOPTED on 2<sup>nd</sup> reading on \_\_\_\_\_, 2018.

\_\_\_\_\_  
KEITH S. LONDON  
MAYOR

SPONSORED BY: CITY ATTORNEY

ATTEST:

\_\_\_\_\_  
JENORGEN GUILLEN  
INTERIM CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY