

ORDINANCE NO. 2024-37

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO ALCOHOLIC BEVERAGES AND PARI-MUTUEL FACILITIES; MAKING FINDINGS; AMENDING CHAPTER 6 OF THE CITY CODE, ENTITLED "ALCOHOLIC BEVERAGES"; AMENDING SECTION 6-4, CLOSING RESTRICTIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE. (FOC2024-0002 / TEXT2024-0004)

WHEREAS, in the State of Florida, pari-mutuel wagering is authorized for horse racing, simulcast greyhound racing, jai alai games and cardroom poker games and is regulated by the Florida Gaming Control Commission pursuant to Chapter 550, Florida Statutes; and

WHEREAS, Club52/Melbourne Greyhound Park is the only state-licenses pari-mutuel facility in Brevard County, located on the west side of Wickham Road, south of Eau Gallie Boulevard and north of Sarno Road; and

WHEREAS, Club52/Melbourne Greyhound Park was originally granted a permit to conduct pari-mutuel wagering in 1969, beginning with jai alai games in 1970, greyhound racing in 1989, and then cardroom games in 2018; and

WHEREAS, Club52/Melbourne Greyhound Park is requesting an exemption to the closing restrictions for pari-mutuel facilities, stating that the facility is similar to a bowling alley in that the nature of the retail commercial business being conducted surpasses the hours permitted to sell, serve, or consume alcoholic beverages on premises; and

WHEREAS, this ordinance creates an exemption for pari-mutuel wagering facilities, similar to exemptions offered to bowling alleys and motels/hotels; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed this ordinance at its meeting on May 16, 2024, conducted a public hearing with regard

to this ordinance, and found same to be consistent with the City of Melbourne Comprehensive Plan; and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Board as its own and finds this ordinance to be in the promotion of the public health, safety, welfare, morals, public order and aesthetics of the community and the region.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Chapter 6 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

## **CHAPTER 6. ALCOHOLIC BEVERAGES**

\* \* \* \*

Sec. 6-4. Closing restrictions.

\* \* \* \*

(c) Exception for pari-mutuel wagering facilities. Licensed pari-mutuel wagering facilities with caterers whose state license includes on-premises sales at a licensed pari-mutuel wagering facility ("class 12RT") will be excepted from the provisions of subsection (a) of this section to the extent that nothing contained herein will prevent such licensed pari-mutuel wagering facility from remaining open for business during the prohibited hours set forth in section 6-2, subject to all of the following conditions:

- (1) Such pari-mutuel wagering facility shall not conduct any activity other than that which is authorized by its respective classified use.
- (2) Neither the pari-mutuel wagering facility nor the licensed caterer shall permit alcohol service within the pari-mutuel facility during the prohibited hours of sale and shall ensure that the area from which alcoholic beverages are kept, stored and/or dispensed are closed to the public and locked from entry and from access during the prohibited hours of sale.
- (3) The pari-mutuel wagering facility must comply with the fire code and in no event will the establishment lock any main entranceway to the establishment or otherwise prevent free and open access to the establishment from the outside through a main entrance when such establishment is open for the carrying on of a business.
- (4) No outdoor entertainment or outdoor music will be allowed on the licenses premises during the prohibited hours of sale.

(ed) Nothing herein contained will be construed so as to permit any licensee to sell, serve, or permit alcoholic beverages to be sold, served or consumed during the prohibited hours set forth in section 6-2.

SECTION 2. Severability and Interpretation.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (\* \* \*) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 3. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 4. That this ordinance was passed on first reading at a regular meeting of the City Council on the 28<sup>th</sup> day of May, 2024, and adopted on the second and final reading at a regular meeting of the City Council on the 11<sup>th</sup> day of June, 2024.

BY: \_\_\_\_\_  
Paul Alfrey, Mayor

ATTEST: \_\_\_\_\_  
Kevin McKeown, City Clerk

[CITY SEAL]

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