

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 10 – ALCOHOLIC BEVERAGES, SECTION 10-5, DISTANCE REQUIREMENT FOR SALE NEAR SCHOOL, CHURCH, KINDERGARTEN, NURSERY SCHOOL, CHILD CARE CENTER OR PUBLIC PARK; PROVIDING FOR SEVERABILITY, CONFLICTS, AND INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

**Section 1.** That Chapter 10 – Alcoholic Beverages, of the Code of Ordinances of the City Code of West Melbourne, Florida, is hereby amended to amend Section 10-5, Distance requirement for sale near school, church, kindergarten, nursery school, child care center or public park, to read as follows:

**Sec. 10-5. – Distance requirement for sale near school, church, kindergarten, nursery school, child care center or public park.**

\* \* \*

(d) This section does not apply to lessees, concessionaires, or contractors of the City, where the lease, concession agreement, or contract specifically permits the lessee, concessionaire, or contractor to operate a business or establishment which is licensed by the division of alcoholic beverages and tobacco in a location that does not meet the distance requirements of this section.

(e) The City may grant special permission for the sale of alcoholic beverages during special events within defined areas of any public park or recreation area and for specific times.

**Section 2. Severability.** 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 by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses,

In interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken~~ words indicate deletions from existing text. Asterisks (\*\*\*) indicate a deletion from the ordinance of text existing 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.

sentences, or sections 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 3. Conflict with Other Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Inclusion in Code.** It is the intention of the City Council of the City of West Melbourne that the provisions of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances, and that the sections be renumbered to accomplish such intention.

**Section 5. Effective Date.** That this Ordinance shall become effective immediately upon adoption in accordance with the Charter of the City of West Melbourne.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 16<sup>th</sup> day of March, 2021.

1<sup>st</sup> READING: March 2, 2021

2<sup>nd</sup> READING: March 16, 2021

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