

ORDINANCE No. 2024-15

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 74, "MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS," ARTICLE IV, "ALCOHOLIC BEVERAGES," TO REVISE ALCOHOLIC BEVERAGE REGULATIONS; PROVIDING FOR A REPEALER; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to s. 562.14, Fla. Stat., no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the division of Alcoholic Beverages and Tobacco between the hours of midnight and 7:00 a.m. unless otherwise provided by municipal ordinance; and

WHEREAS, the City of Doral has enacted s. 74-195, City Code of Ordinances ("Code"), which, inter alia, extended the hours that alcoholic beverages were permitted to be sold, consumed, served, and permitted to be served or consumed in places holding such license, from midnight up to 3:50 a.m. for places holding an extended hours permit; and

WHEREAS, pursuant to s. 562.14, Fla. Stat., the City of Doral has determined that additional parameters are required to be in place to preserve public safety and better balance resources city-wide, while allowing the sale of alcoholic beverages between the hours of midnight and 1:30 a.m. for places holding such license and between the hours of midnight and 2:00 am for restaurants holding an extended hours permit; and

WHEREAS, the City Council wishes to recognize the amendments to this ordinance in memory of **George Castellanos** a 23-year-old devoted father, son, friend, soon-to-be graduate of FIU and a security guard, which lost his life tragically on April 6, 2024 his

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memory leaves a lasting impact on our community, we remember his life and take steps to further enhance the safety and security of our community through these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Amendment to Chapter 74 of the City Code. That Chapter 74, Article IV of the Code of Ordinances, City of Doral, Florida, is hereby amended to read as follows:

Sec. 74-183. Classification of vendors.

For purposes of regulating the retail and wholesale sale and distribution of alcoholic beverages within the city, as specified in this article, vendors are hereby classified as follows:

(1) *Package store.* A package store is a retail vendor of alcoholic beverages sold in sealed containers for consumption off premises only.

(2) *Retail store.* A retail store is a retail vendor of alcoholic beverages for consumption off the premises, which primarily offers for sale products others than alcoholic beverages. Retail stores include, without limitation, grocery stores, specialty stores, convenience stores, and gas stations/filling stations.

(3) *Consumption-on-premises vendors.* A consumption-on-premises vendor is a retail vendor of alcoholic beverages, with the corresponding state licensure, for consumption on premises, such as, without limitation:

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- (a) *Restaurant.* Restaurant is a business with full kitchen facilities, which primarily serves full meals and alcoholic beverages (through a corresponding state license) for consumption on premises.
- (b) *Alcoholic beverage establishment.* Alcoholic beverage establishment is a business primarily devoted to serving alcoholic beverages for consumption on premises, including, without limitation, bars, pubs, ~~tasting~~ billiard rooms, bowling alleys and billiard halls. ~~and wine cafes.~~
- ~~(c) *Convenience store.* A store that is part of a gas station that stocks a range of everyday items such as snack foods, soft drinks, beer or malt beverage, wine, newspaper and magazines.~~
- (c) *Entertainment establishment.* Entertainment establishment is a business primarily devoted to serving alcoholic beverages and in which the service of food and/or entertainment is secondary to the consumption of alcoholic beverages. Entertainment establishments include, without limitation, ~~dance halls,~~ nights clubs, adult entertainment venues, and any commercial establishment determined to meet the following factors:
1. If the establishment regularly charges a cover charge, door charge, required contribution, or one time membership fee which is paid at the door or has a minimum drink requirement;
 2. If none of the factors listed in subsection ~~(d)~~(c)(1) above are present, then if all ~~six~~ seven of the following conditions exist, then the establishment may also qualify as an "entertainment establishment":

- a. The establishment has a dance floor or other open area used by patrons for dancing or for viewing of entertainment (such dance floor or open space may be established by the removal or rearrangement of furniture or tables);
- b. The hours of operations during which the use is open to the public include time between 1:00 a.m. and ~~4:00~~ 2:00 a.m.;
- c. The maximum capacity for the establishment as set by the building and fire officials through fire, building, structure, and other relevant regulatory considerations is 150 or more persons. [The fact that the facility may restrict its capacity to some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building and fire officials may use various codes for this purpose (i.e., fire code provisions)];
- d. Alcohol is sold and consumed on the premises of the establishment at any time;
- e. Advertisements for the establishment describe specific entertainment events or engagements (e.g. "House Party Saturday Night"; "DJ Saturday night"; "Live Music tonight"); or
- f. The establishment features a platform or musical staging area used in connection with performances or entertainment. The presence of karaoke machines shall not be deemed entertainment for the purpose of this subsection. The presence of live entertainment provided by one person, not

utilizing pre-recorded music, incidental to a restaurant or bar shall not be deemed entertainment for the purpose of this subsection.

- g. The playing of background music, where the background music is played at a low volume and cannot be heard beyond the limits of the premises to complement the dining experience shall not be deemed entertainment.
3. Businesses identified as entertainment venues, though they might meet factors in subsection (2) herein, shall not be deemed entertainment establishments.

(e) *Entertainment venues.* Entertainment venues are businesses or other locations primarily devoted to an entertainment purpose or use in which the serving of food and alcoholic beverages is secondary to the entertainment purpose or use. Entertainment venues including, without limitation, ~~art galleries, theaters,~~ state-chartered not-for-profit theaters with live performances, movie theaters, museums, banquet halls, ~~bowling allies, billiard halls (excludes dancing by patrons of the establishment)~~ tasting rooms, wine cafes and other amusement facilities as determined by the planning and zoning director or his or her designee.

1. After 1:30 a.m. no alcoholic beverages shall be sold at the establishment;

2. After 2:00 a.m. the establishment shall be closed;

3. At no later than 2:00 a.m., the establishment shall require that all persons, other than employees or agents of the establishment, leave the establishment;

4. Thereafter all establishments shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation; and

5. From 2:00 a.m. until no earlier than 8:00 a.m., the establishment shall prohibit entry into the establishment by customers or members of the public.

(4) *Manufacturer of alcoholic beverages.* A manufacturer of alcoholic beverages is a business engaged in the production of alcoholic beverages, including, without limitation, the fermentation of cider, beer, or other malted beverages, and/or wine, the distilling of spirits and/or liquors, or the blending of alcoholic beverages to make a derivative product, for the purpose of sale through an alcoholic beverage distributor or at retail, as regulated by state statute. A manufacturer of alcoholic beverages may sell alcoholic beverages in open containers for consumption on premises and in sealed containers for consumption off premises. Manufacturers of alcoholic beverages include, without limitation, breweries, distilleries, brewpubs, and/or similar uses as determined by the planning and zoning director or his or her designee.

(5) *Private club.* A private club is a charter or incorporated club or lodge, organized for lawful purposes and not for the purpose of evading beverage laws, vending

alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.

- (6) *Alcoholic beverage distributor.* An alcoholic beverage distributor is a distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.
- (7) *Hotels and motels.* Hotels and motels are businesses that provide temporary lodging on daily or short-term basis and may sell alcoholic beverages to guests as part of food and beverage offerings. These food and beverage offerings, including alcoholic beverages, may be offered independent of any restaurant, alcoholic beverage establishment, and/or entertainment establishment that may be located within the hotel or motel or on the same premises as the hotel or motel.

Sec. 74-184. Administrative review; special exception by council approval.

(a) The Administrative review by the planning and zoning director, or his/her designee, is required for the issuance of all alcoholic licenses to all vendors. The planning and zoning director is authorized to mandate the provision of documentation to substantiate the satisfaction of conditions associated with each category of use.

(b) Entertainment venues, entertainment establishments, and alcoholic beverage establishments must meet the following requirements to obtain an alcohol license and a business tax receipt from the City. The establishment shall have the rights set forth in subsection 13 of Sec. 74-195 herein.

1. Safety and Security Plan: Within 60 days of the passage of this Ordinance the establishment shall provide a security plan developed by a Class B Security

Company (Safety and Security Plan) to the police department for review and approval. That Safety and Security Plan shall include the following personnel and requirements:

a. Enhanced Public Safety Measures. The establishment shall comply with the following minimum public safety measures as part of the approved Safety and Security Plan from 10:00 p.m. to closing. The Chief of Police may determine whether and to what extent additional security measures are reasonably necessary inside and outside of permitted establishments for the purpose of traffic control and public safety. The Chief of Police shall base this decision on the occupancy, type of alcohol license, traffic control, history of violent incidents that have previously occurred at or were related to the establishment, and any other factor reasonably related to public safety.

i. Security cameras. The establishment shall install and maintain a security camera to record all entrance and exit points (excluding emergency exits) used by patrons of the establishment. Security camera recordings shall be retained by the establishment for a minimum of 45 days from the date of recording and shall be made available to the city within three business days of a written request.

ii. Off-duty police requirement and/or private security. The establishment shall maintain on and outside the premises adequate security including: (1) at least one state of Florida licensed class D security guard for every 150 occupants and (2) at least one off-duty police officer outside

of the premises from 10:00 p.m. to closing and until all patrons have left the premises, to assure the lawful and orderly conduct of patrons as they arrive at the establishment, from 10:00 p.m. to closing, and as they depart. To the extent that two establishments are abutting, these establishments may share an off-duty police officer.

iii. *Weapons detection system.* The establishment shall use a wand weapons detector or similar approved and certified technology by law enforcement and/or the Chief of Police on all patrons entering the premises.

Each patron who enters the establishment without being checked by the weapons detection system as required shall be considered a separate violation of the terms of the business tax receipt.

iv. *Identification checks.* The establishment shall comply with each and every section of the Florida Statutes pertaining to these checks.

Each patron who enters the establishment whose ID is not checked as required shall be considered a separate violation of the terms of the business tax receipt.

v. *Secured area.* The establishment shall ensure that all areas of the premises including outside seating areas are secure with permanent barriers to prevent access to the premises or the ability to place objects from outside of the premises to the inside of the premises

vi. *Training.* The establishment shall comply with the requirements of the Florida Responsible Vendor Act including all staff and

training requirements set forth at F.S. §561.705 in addition to annual training requirements as part of the Safety and Security Plan.

vii. *Occupancy Load Monitoring.* Each establishment shall employ a verifiable occupancy load monitoring system within the establishment and keep a count of all individuals within the establishment between 10:00 p.m. and the time of closing. Such count must be readily provided to any officer of the City acting in their official capacity by the establishment upon request.

4.2.-*Intrusive exterior lighting.* The establishment shall prevent intrusive exterior lighting on neighboring residential properties emanating from the establishment dealing in alcoholic beverages.

53. *Compliance with local, state, or federal law.* The establishment shall fully comply with all local, state, and federal laws with regard to the establishment dealing in alcoholic beverages, and all applicable City Code provisions.

(c) In addition to providing the materials required in Sec. 41.77, entertainment venues, entertainment establishments, and alcoholic beverage establishments must provide as part of their application for a business tax receipt the following materials:

1. Evidence of mitigation of adverse effects, if any, that the 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.

(d) In addition to the grounds for suspension, revocation and denial of renewal in Sec. 41-78, a business tax receipt for an entertainment venues, entertainment establishments, and alcoholic beverage establishments may be suspended if:

1. Excessive illegal parking. Three or more instances of illegal parking violations associated with the establishment, during or within a consecutive one-year period.

Illegal parking associated with the establishment means that employees or others associated with the establishment, or patrons of the establishment, have parked illegally on private or public property in nearby commercial areas or residential neighborhoods.

2. Excessive law enforcement calls for service. Three or more instances of a law enforcement call for service associated with the establishment, during or within one month after the extended hours of operation service, within a consecutive one-year period.

Law enforcement call for service associated with the establishment means a call for service to the establishment's property, or to a location in close proximity thereto, for illegal activity of any kind committed by employees, others associated with the establishment or patrons, including for vandalism, underage drinking, violation of open container laws, or crimes of violence such as homicide, rape, robbery, aggravated assault, assault and battery committed by patrons of the establishment.

3. Adverse impacts on neighboring properties. Three or more instances of an adverse impact on neighboring properties associated with the establishment, during or within one hour after the extended hours of operation, within a consecutive one-year period.

Adverse impact on neighboring properties associated with the establishment means that employees or others associated with the establishment, or patrons of the establishment, have committed any of the following instances:

- a. Disorderly conduct impacting a neighboring residential property owner,
- b. Trespass on a neighboring residential property,
- c. Parking on a neighboring residential property without permission of the owner or occupant,
- d. Vandalism of a neighboring residential property, or
- e. Generation of trash or garbage, including human waste, on a neighboring residential property.

Neighboring residential property is defined as a residential property located within 1,000 feet from the establishment alleged to be in violation.

4. Selling alcoholic beverages at unauthorized times. Three violations of selling alcoholic beverages after the permitted time within a consecutive one-year period shall result in the suspension of the business tax receipt.

5. Crowds in excess of occupancy loads. Three or more instances of crowds in excess of establishment's occupancy load, during or within a consecutive one-year period.
6. Refusal to allow City officials access to conduct inspections. Three or more instances refusal to allow City officials access to conduct inspections during or within a consecutive one-year period.
7. Failing to follow required terms of business tax receipt. Three violations of the terms of the business tax receipt including, the public safety measures listed above, within a consecutive one-year period.
8. Verified enforcement incidences. Three or more instances of enforcement incidences, including suspensions for violations listed above, during or within a consecutive one-year period.

(e) Uses that are not specifically authorized in this article or requests for licensing which deviate from the requirements of the section may be approved by the city council by special exception, upon application by a potential vendor and after administrative review by the planning and zoning director or his/her designee.

In approving such facilities, the city council may impose appropriate conditions and safeguards to protect the public health, safety and welfare.

Sec. 74-195. Hours of sale and consumption.

- (1) Except as provided in subsections (3) and (4) of this section no intoxicating liquors or intoxicating beverages, including all malt beverages and wine, consumed, served

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or permitted to be served, or consumed at the following businesses or venues after 1:00 a.m. or before ~~7:00~~ 8:00 a.m.:

- (a) Manufacturers of alcoholic beverages;
 - (b) Package store and retail stores;
 - (c) Restaurants;
 - (d) Hotels/motels;
 - (e) Golf course clubhouses;
 - (f) Other businesses or venues not specifically delineated in this ordinance that hold a license from the state and the city to sell alcoholic beverages.
- (2) Convenience stores may make sales of beer and wine in sealed containers for consumption ~~of~~ off the premises during such hours as the stores legally remain open for the sale of other goods.
- (3) ~~Entertainment venues, e~~Entertainment establishments, and alcoholic beverage establishments shall be authorized to sell alcoholic beverages for consumption on the premises until ~~2:00~~ 1:30 a.m. and no earlier than 8:00 a.m.

Such restrictions in subparagraphs (1) and (2) are applicable to owners, operators, and managers, of such establishments, and their employees, contractors and agents.

- (4) For New Year's Eve, December 31, the prohibited hours of sale shall be ~~5:00~~ 3:00 a.m. to ~~8:00~~7:00 a.m. on the following day, January 1.

- (5) *Extended hours permit.* ~~An entertainment venue, entertainment establishment, alcoholic beverage establishment and~~ All restaurants located in a downtown mixed

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used district ~~or that satisfy the criteria in section 74-183(3)(d) and (e)~~ may apply to remain open for business for the purposes of selling, offering for sale, delivering, serving or permitting consumption of alcoholic beverages after the hours specifically authorized in this ordinance only pursuant to an extended hours permit issued in accordance with this subsection.

(a) *Permit application.* An application form shall be provided by the city to be completed by the restaurant establishment dealing in alcoholic beverages. The applicant shall provide all information requested.

(b) *Permit issuance and renewal.* The city manager shall review the application. An application for an extended hours license shall be submitted, on a form furnished by the department of planning and zoning, along with a nonrefundable application fee in an amount established by resolution of the city council. The application shall include the following:

1. A copy of the vendor's local business tax receipt and certificate of use.
2. A copy of the vendor's State of Florida alcoholic beverage license.

(c) *Review criteria.* An application for an extended hours license shall be submitted for review and comment of the planning and zoning department and police department. Review of the application shall be based upon the following criteria:

1. Compliance with applicable zoning and use requirements.
2. 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.

3. A safety and security plan developed by a Class B Security Company (Safety and Security Plan).
4. Upon determination that the application is complete, and the establishment meets all requirements of applicable federal, state, and local law, including Land Development Code requirements for alcoholic beverage use, and the permit fee is submitted, the city manager shall place the permit application on the council agenda together with a staff recommendation. The initial extended hours permit application must be approved by the city council. The city council may approve, approve with conditions or deny the extended hours application. Once the initial extended hours application has been approved by the city council the annual renewal may be approved administratively by the city manager. The permit must be renewed annually by October 1. If the establishment dealing in alcoholic beverages fails to renew the permit, the establishment shall lose all extended hours privileges immediately upon expiration of the permit.
5. The extended hours permit shall be valid for one year from the date of issuance. The extended hours permit shall be issued beginning October 1 of each year and shall expire on September 30 of the following year. Businesses approaching their renewal date are responsible for submitting a renewal application form approximately 60 to 90 days before their license is set to expire. Prior approval of an extended hours permit does not create or

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confer any rights to any permittee. Renewal of the extended hours permit is subject to demonstrated compliance with all local, state, and federal laws concerning alcoholic beverages, and all applicable city code provisions.

(d) *Obligation to amend permit information.* Permit holders are required to amend their extended hours permit application within 30 days of any change in the information set forth on the application form. If there is a change in ownership or a change in location of the establishment, the city must be notified immediately, and a new application must be processed.

(e) *Extended hours of operation permit requirements.* The permit holder shall be authorized to sell alcoholic beverages for consumption on the premises until ~~3:50~~ 1:30 a.m., subject to each of the following requirements:

1. *Permit posting.* The permit holder shall post and maintain the permit within the establishment in a place where it may be seen at all times.
2. *Public Safety Measures.* The permit holder shall comply with the following minimum public safety measures as part of the approved Safety and Security Plan from 10:00 p.m. until closing. The Chief of Police may determine whether and to what extent additional security measures are reasonably necessary inside and outside of permitted establishments for the purpose of traffic control and public safety. The Chief of Police shall base this decision on the occupancy, type of alcohol license, traffic control, history of violent incidents that have previously occurred at or were related

to the establishment, and any other factor reasonably related to public safety.

4. i. *Security cameras.* The permit holder shall install and maintain a security camera to record all entrance and exit points (excluding emergency exits) used by patrons of the establishment. Security camera recordings shall be retained by the establishment for a minimum of 45 days from the date of recording and shall be made available to the city within three business days of a written request.

ii. Off-duty police requirement and/or private security. The permit holder shall maintain on and outside the premises adequate ~~private security including:~~ (1) at least one state of Florida licensed class D security guard for every 150 occupants and (2) at least one off-duty police officer outside of the premises ~~or at least one outside duty guard~~ during the extended hours of operation and until all patrons have left the premises, to assure the lawful and orderly conduct of patrons as they arrive at the establishment, during the extended hours of operation, and as they depart. To the extent that two establishments are abutting these establishments may share an off-duty police officer.

iii. Weapons detection system. The permit holder shall use a wand weapons detector or similar approved and certified technology by law enforcement and/or the Chief of Police on all patrons entering the premises.

Each patron who enters the establishment without being checked by the weapons detection system as required by their permit shall be considered a separate violation of the terms of the permit.

iv. Identification checks. The permit holder shall check all identifications.

Each patron who enters the establishment whose ID is not checked as required by the permit shall be considered a separate violation of the terms of the permit.

v. Secured area. The permit holder shall ensure that all areas of the premises including outside seating areas are secure with permanent barriers to prevent access to the premises or the ability to place objects from outside of the premises to the inside of the premises.

vi. Training. The permit holder shall comply with the requirements of the Florida Responsible Vendor Act including all staff and training requirements set forth at F.S. §561.705 in addition to annual training requirements as part of the Safety and Security Plan.

vii. Occupancy Load Monitoring. Each permit holder shall employ a verifiable occupancy load monitoring system within the establishment and keep a count of all individuals within the establishment between 10:00 p.m. and the time of closing. Such count must be readily provided to any officer of the City acting in their official capacity by the establishment upon request.

~~4.3.~~ *Intrusive exterior lighting.* The permit holder shall prevent intrusive exterior lighting on neighboring residential properties emanating from the establishment dealing in alcoholic beverages during the extended hours of operation.

~~54.~~ *Compliance with local, state, or federal law.* The permit holder shall fully comply with all local, state, and federal laws with regard to the establishment dealing in alcoholic beverages, and all applicable City Code provisions.

(f) *Closing requirements.*

1. After ~~3:50~~ 1:30 a.m., no alcoholic beverages shall be sold at the establishment, ~~and no customers shall be permitted to enter the premises;~~
and
2. After ~~3:50~~ 2:00 a.m., all lighted signage on the exterior of the premises shall be turned off. However, any exterior lighting used to illuminate common areas such as walkways, parking lots, sidewalks, or areas of customer ingress and egress may remain lit; and
3. At no later than ~~4:00~~ 2:00 a.m., the permit holder shall require that all persons, other than employees or agents of the permit holder, leave the establishment; and
4. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be

furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation; and

5. From ~~4:00~~ 2:00 a.m. until no earlier than 8:00 a.m., the permit holder shall prohibit entry into the establishment by customers or members of the public.

(g) *Grounds for permit suspension or imposition of permit conditions.* The ability to remain open and sell or permit the consumption of alcoholic beverages beyond 1:00 a.m. ~~or 2:00 a.m.~~ is a privilege, and no establishment may reasonably rely on a continuation of that privilege. As a condition of this privilege establishments dealing in alcoholic beverages are required to comply with the permit requirements of this chapter and take all necessary and reasonable steps to minimize the negative impacts that their establishments may cause in nearby residential or commercial neighborhoods. Violations of this chapter may result in suspension of the extended hours permit or the imposition of permit conditions based on any of the following grounds:

1. *Excessive illegal parking.* Three or more instances of illegal parking violations associated with the establishment, during or within a consecutive one-year period.

Illegal parking associated with the establishment means that employees or others associated with the establishment, or patrons of the establishment, have parked illegally on private or public property in nearby commercial areas or residential neighborhoods.

2. *Excessive law enforcement calls for service.* Three or more instances of a law enforcement call for service associated with the establishment, during or within one month after the extended hours of operation service, within a consecutive one-year period.

Law enforcement call for service associated with the establishment means a call for service to the establishment's property, or to a location in close proximity thereto, for illegal activity of any kind committed by employees, ~~or~~ others associated with the establishment or patrons, including ~~or~~ for vandalism, underage drinking, violation of open container laws, or crimes of violence such as homicide, rape, robbery, aggravated assault, assault and battery committed by patrons of the establishment.

3. *Adverse impacts on neighboring properties.* Three or more instances of an adverse impact on neighboring properties associated with the establishment, during or within one hour after the extended hours of operation, within a consecutive one-year period.

Adverse impact on neighboring properties associated with the establishment means that employees or others associated with the establishment, or patrons of the establishment, have committed any of the following instances:

- a. Disorderly conduct ~~pursuant to section 62-37 of this Code~~, impacting a neighboring residential property owner,
- b. Trespass on a neighboring residential property,

- c. Parking on a neighboring residential property without permission of the owner or occupant,
- d. Vandalism of a neighboring residential property, or
- e. Generation of trash or garbage, including human waste, on a neighboring residential property.

Neighboring residential property is defined as a residential property located within 1,000 feet from the establishment alleged to be in violation.

- 4. *Selling alcoholic beverages at unauthorized times.* Three violations of selling alcoholic beverages after the permitted time within a consecutive one-year period shall result in the suspension of the extended hours permit.
- 5. *Crowds in excess of occupancy loads.* Three or more instances of crowds in excess of establishment's occupancy load, during or within a consecutive one-year period.
- 6. *Refusal to allow City officials access to conduct inspections.* Three or more instances refusal to allow City officials access to conduct inspections during or within a consecutive one-year period.
- 7. *Failing to follow required terms of permit.* Three violations of the terms of the permit including, the public safety measures listed above, within a consecutive one-year period.
- 8. *Failing to pay.* Failing to pay all application fees or fines within 60 days of their issuance shall cause the license and/or permit to expire.

9. Verified enforcement incidences. Three or more instances of enforcement incidences, including suspensions for violations listed above, during or within a consecutive one-year period.

~~5.10.~~ *Procedure for notice, hearing, and permit suspension or imposition of conditions.* An extended hours permit may be suspended, or conditions may be imposed on the permit holder, in accordance with the following procedure:

a. *Notice.* A notice of grounds for permit suspension or imposition of conditions may be issued by law or code enforcement officers to any establishment based on the occurrence of grounds for permit suspension or imposition of conditions as established in this subsection. The notice will specifically identify the grounds relied upon, and will be left with the owner, operator, manager, or highest-ranking employee then on the premises. A copy of the notice will also be mailed via U.S. mail, certified, return receipt requested, to the establishment at the street address provided in the permit. Proof of delivery by either of these two methods (hand delivery or certified mail) shall be sufficient to establish receipt by the permit-holder. Notices sent by certified mail that are returned or not accepted for any reason shall be deemed proper notice of the violation, provided that the notice is sent to the person and address named on the permit.

b. *Hearing.* If a permit holder fails to cure the grounds for permit suspension or imposition of conditions identified in any notice issued

under this subsection, within ten days from the date of the notice; or if an additional instance of: (i) illegal parking associated with the establishment, (ii) a law enforcement call for service associated with the establishment, (iii) an adverse impact on neighboring properties, or (iv) violation of this subsection occur within 90 days from the date of notice for any such grounds; the matter shall be sent to the special magistrate. The notice of hearing shall also advise the establishment alleged to be in violation of the right to be heard, of the right to be represented by counsel, of the right to present sworn testimony on the establishment's behalf, and the right to appeal to circuit court.

- c. *Decision.* After allowing the establishment to be heard, the special magistrate shall consider the matter and may, as it deems appropriate, take no action, suspend the establishment's extended hours permit, or impose conditions on the permit holder. The special magistrate shall base its decision on whether there is substantial, competent evidence supporting a finding of grounds for suspension or imposition of conditions as identified in the notice, and grounds supporting the notice of hearing.

- i. The maximum suspension for a first appearance by an establishment before the special magistrate shall be 30 days, 60 days for a second appearance, and one year for all appearances thereafter.

- ii. In addition to suspension, or as an alternative to suspension, the special magistrate may levy a fine. The fine imposed shall not exceed \$1,000.00 per day for a first violation and shall not exceed \$5,000.00 per day for a recurring or repeat violation.
- iii. The special magistrate may condition the continuation of the establishment's extended hours permit on compliance with any reasonable requirements deemed necessary to mitigate or eliminate the adverse effects of the establishment's extended hours of operation. These conditions may include, without limitation, required provision by the establishment, at its expense, of additional off-street parking, security personnel, trash maintenance, or screening and buffering from nearby properties.

~~6.~~ 11. *Name changes.* Any establishment dealing in alcoholic beverages that has had an extended hours permit suspended or conditioned cannot avoid the consequences of the suspension or conditions by changing its name or corporate status. If a change in name or corporate status occurs regarding a location that is subject to suspension or conditions, the new entity must submit an application for an extended hours permit and request a hearing before the city council to determine whether there has been a legitimate change in ownership at the location. A hearing shall be promptly scheduled. Upon determination that a legitimate change of ownership has occurred, the city commission may allow an extended hours permit to issue

for the site, subject to applicable conditions, if any, to prevent a recurrence of the harms that caused the earlier action.

~~7.~~12. *Fees.*

- a. The fee for a license and for an extended hours permit and each renewal shall be \$1,000.00 for each, or such other amount as established from time to time by resolution.

~~8.~~13. *Emergency revocation, suspension, or restriction of an extended*

hours permit. The city manager, the police chief and/or their designee may without a hearing, revoke, suspend, or restrict a permit holder's privilege to extended hours of operation as provided in this subsection, if the establishment's operation presents a demonstrated danger to the health, safety, or welfare of the public.

- a. *Notice.* The city shall provide written notice to the establishment of the emergency revocation, suspension, or restriction. The notice will specifically identify the grounds relied upon, and will be left with the owner, proprietor, or highest-ranking employee then on the premises. The notice shall advise the establishment alleged to be in violation, of the right to be heard, of the right to be represented by counsel, of the right to present sworn testimony on the establishment's behalf, and the right to appeal to circuit court. Said notice shall be served upon the licensee by:

- i. Personal service; or

- ii. Certified mail; or
- iii. Posting of the notice in a conspicuous place on the property subject to the extended hours license.

The notice shall afford the licensee with reasonable notice of the facts or conduct which warrants the revocation and shall advise the licensee of his/her rights to an appellate hearing as provided herein.

- b. *Hearing on, or termination of, emergency revocation, suspension, or restriction.* Within three business days after service of notice of an emergency revocation, suspension, or restriction of an extended hours permit:

- i. A special magistrate appointed by the city shall hold a hearing to consider termination, extension, or modification of the emergency revocation, suspension, or restriction of the establishment's extended hours permit as necessary. Notice of the hearing date, time, and location shall be delivered to the permit holder no later than 24 hours in advance; or
- ii. The emergency revocation, suspension, or restriction of the establishment's extended hours permit shall terminate as of 12:00 a.m. on the fourth business day after the notice of emergency revocation, suspension, or restriction.

- c. *Decision by special magistrate.* After allowing the establishment to be heard, the special magistrate shall consider the matter and may, as he

or she deems appropriate, terminate the emergency revocation, suspension, or restriction; suspend the establishment's extended hours permit; or restrict operation during extended hours by imposing conditions on the permit holder. The special magistrate shall base his or her decision on whether there is substantial, competent evidence supporting a finding that the establishment's operation presents a demonstrated danger to the health, safety, or welfare of the public, as identified in the notice, and that revocation, suspension, or imposition of conditions is necessary to alleviate the danger.

d. *Other business operations.* Nothing contained in subsections a. or b. of this section shall prevent a business from operating any licensed function unconnected to its operation as an establishment dealing in alcoholic beverages during any lawful hour.

9. ~~14.~~ A suspended extended hours license or permit shall not be reinstated until any applicable condition of the license or condition of the suspension is met and the payment of pending and unpaid fines and the reinstatement fee in an amount established by resolution of the city council is made.

~~10.~~ 15. Any person, vendor or establishment whose application for a license or an extended hours permit ~~license~~ was denied or whose extended hours license was revoked shall not be eligible to apply for said license for 12 consecutive months from the effective date of the revocation or denial.

(6) *Enforcement.* Fines imposed by code compliance shall not exceed \$1,000.00 for a first violation, \$2,500.00 for a second violation and \$5,000.00 for a third violation ~~shall not exceed \$5,000.00~~ ~~2,5000.00 for a recurring or repeat violation.~~ However, each sale of alcoholic beverages at unauthorized times constitutes a separate offense for which separate notices of violation and fines may be issued.

~~(7) *Effective date.* This section shall take effect and be in force on October 1, 2022.~~

Sec. 74-196. Consumption in public places and certain private places not permitted.

(a) *Public place,* when used in this section, means streets, sidewalks except the approved outdoor dining areas, parkways, parks, playgrounds, ball fields, parking lots, school buildings, school yards, city hall, libraries, stadiums and any other property owned or in the possession of the city or any other state, county or other governmental agency in which property is used or intended for use by city or government employees or by members of the general public.

(b) It shall be unlawful for any person, without the consent of the city manager or his/her designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with chapter 35, pertaining to special events.

~~(c) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in~~

~~possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.~~

- (d) Nothing in this section prevents the possession or consumption of alcoholic beverages in compliance with F.S. § 316.1936.

Section 3. **Repealer.** All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. **Severability.** If any section, subsection, clause of provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. **Incorporation Into The Code.** It is the intention of the Mayor and the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changes to “Section” or other appropriate word, as required.

Section 6. **Effective Date.** This Ordinance shall be effective on June 30, 2024.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this ___ day of ___, 2024.

PASSED AND ADOPTED on SECOND READING this ___ day of _____, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

GRAY ROBINSON, P.A.
SPECIAL COUNSEL

CODING: Additions to existing text are shown by underline, changes to existing text on second reading will be shown by double underling, and deletions are shown as ~~strikethrough~~.