

LEGISLATIVE #

120152B

Exhibit 1

Public Food Service Establishment-Outdoor Dining/Dogs

Sec. 30-67(j) - Public food service establishments.

(a)

State and local regulations. Unless otherwise provided for in this chapter, in this Code or in any specific ordinance, the regulation of all public food service establishments shall be by state law, rule or regulation. No ordinance of the city is intended to be in conflict with any state statute, rule or regulation.

(b)

Presence of dogs in outdoor portions of public food service establishments.

(1)

Public food service establishments which provide outdoor dining may allow patrons' dogs within certain designated outdoor portions of the establishment when application is made and a permit is approved in accordance with this section.

(2)

Public food service establishments desiring to allow patrons' dogs to sit next to such patrons in the outdoor portion of such eating establishments may apply to, and receive a permit from, the city.

(3)

Applicants shall provide, on a form developed by the City, such information deemed reasonably necessary to enforce the provisions of this section but which shall require, at a minimum, the following information:

a.

The name, location and mailing address of the public food service establishment.

b.

The name, mailing address and telephone contact information of the permit applicant.

c.

A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the planning

and building department. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

d.

A description of the days of the week and hours of operation which patrons' dogs will be permitted in the designated outdoor area.

(4)

All public food service establishments receiving a permit under this section shall pay a fee and meet the following requirements in addition to those requirements otherwise provided by law:

a.

All public food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling dogs. Employees shall be prohibited from touching, petting or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

b.

Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

c.

Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.

d.

Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

e.

Dogs shall not be allowed on chairs, tables or other furnishings.

f.

All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground of the designated outdoor area between seating of patrons.

g.

Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

h.

A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the planning and building department.

i.

A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the planning and building department.

j. A sign or signs shall be posted in a manner and place as determined by the planning and building department which places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

k. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(5) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service or eating establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(6) Allowing a dog in any outdoor portion of a public food service establishment, except when otherwise authorized by law or this section, or the failure to comply with any portion of this article, shall be unlawful, and any person committing such failure shall be subject to penalties for violation of this Code as provided in this Code and shall be subject to revocation by the planning and building department of the permit issued to the public food services establishment where the violation occurred.

(7) The code enforcement division of the city shall establish a procedure to accept, document and respond to complaints regarding any violation of the provisions of this section and to timely report to the appropriate State of Florida division or agency all such complaints and the city's enforcement responses to such complaints. The code enforcement division shall monitor enforcement of this ordinance and may prosecute any reported violation of this section as a code enforcement violation.

(c) Fees. The fee for the public food service establishment outside patrons dog permit shall be two hundred fifty dollars (\$250.00). (Schedule A, City Code or Ordinances)