

ORDINANCE 2018-06

AN ORDINANCE OF THE CITY EDGEWOOD, ORANGE COUNTY, FLORIDA, CREATING SECTION 10-10. "CITY OF EDGEWOOD DOG FRIENDLY DINING PROGRAM"; PROVIDING FOR ALLOWANCE OF PATRONS' DOGS AT CERTAIN OUTDOOR SEATING AREAS OF RESTAURANTS; PROVIDING DEFINITIONS; PROVIDING RESTRICTIONS AND REQUIREMENTS RELATED TO ALLOWANCE OF DOGS AT OUTDOOR SEATING AREAS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 509.233, Florida Statutes, creates a limited exemption from certain State regulations, which exemption allows restaurants meeting the specified requirements to allow dogs in designated outdoor seating areas; and

WHEREAS, Section 509.233, Florida Statutes, is a local option exemption which requires a local government to "opt-in"; and

WHEREAS, the City of Edgewood is a dog friendly community; and

WHEREAS, the City Council of the City of Edgewood has determined it is in the best interest of the City of Edgewood, its residents and guests to "opt-in" to the exemption created by Section 509.233, Florida Statutes, and allow patrons' pets at outdoor restaurant seating areas that comply with the conditions and requirements of Section 509.233, Florida Statutes and this Ordinance.

NOW THEREFORE, BE IT ENACTED BY THE CITY OF EDGEWOOD, FLORIDA:

SECTION 1: Authority: The City of Edgewood has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes and Section 509.233, Florida Statutes.

SECTION 2: Amendment of Existing Code: The Edgewood City Code, Chapter 10, Animals, is hereby amended to include a new Section 10-10, entitled "City of Edgewood Dog Friendly Dining Program."

Sec. 10-10 City of Edgewood Dog Friendly Dining Program

(a) Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

"Division" means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

"Dog" means an animal of the subspecies Canis lupus familiaris.

"Outdoor area" means an open air area adjacent to a public food service establishment. An outdoor area shall not be enclosed on more than two sides. For purposes of this definition, partial walls and railings shall not be considered enclosures.

"Patron" has the meaning given to "guest" by section 509.013, Florida Statutes.

"Public food service establishment" has the meaning given it by section 509.013, Florida Statutes.

(b) Permit Required; Submittals.

In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this part. The City shall establish a reasonable fee to cover the cost of processing the initial application and renewals. Applications for a permit under this part shall be made to the Building & Zoning Department, on a form provided for such purpose by the City, and shall include, along with any other such information deemed reasonably necessary by the City in order to implement and enforce the provisions of this part, the following:

(i) The name, location, and mailing address of the subject public food service establishment.

(ii) The name, mailing location, and telephone contact information of the permit applicant.

(iii) 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 any 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 City. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

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

(v) All application materials shall contain the appropriate division issued license number for the subject public food service establishment.

(vi) All applications shall be accompanied by an application fee in an amount as set by Resolution of the City Council.

(c) General Regulations: Cooperation; Enforcement.

In order to protect the health, safety, and general welfare of the public, and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this part are subject to the following requirements:

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

(ii) Patrons in a designated outdoor area shall be advised by the food service establishment that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

(iii) Employees and patrons shall be instructed by the food service establishment 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.

(iv) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under control.

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

(vi) 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 between seating of patrons.

(vii) 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.

(viii) At least one sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the City, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches

in width and eleven inches in height (8½ x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

(ix) At least one sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the City, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8½ x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

(x) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8½ x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

(xi) Signs required under subsections (ix) and (x) herein are considered on-site non-commercial signs, shall be approved as part of the permitting application process described by this section, and will not be subject to the application process for signs under Article VII of the Land Development Regulations. Such signs may be window signs, freestanding signs, or wall signs, and their copy area shall not be calculated as part of the premises' total allowable number of signs or allowable sign copy area. However, such signs shall not be located in any setback or in a location which impedes pedestrian traffic or presents any other safety hazard and shall not be prohibited signs described in Section 7.05.00.

(xii) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(d) Non-Transferability of Permits.

A permit issued pursuant to this Section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to

reapply for a permit pursuant to this part if such owner wishes to continue to accommodate patrons' dogs.

(e) Complaints and Reporting.

In accordance with section 509.233(6), Florida Statutes, the Code Enforcement Officer shall accept and document complaints related to the Dog Friendly Dining Program within the City of Edgewood, Florida, and shall timely report to the Florida Division of Business & Professional Regulation all such complaints and the City's enforcement response to such complaint. The City Manager or designee shall also timely provide the Florida Division of Business & Professional Regulation with a copy of all approved applications and permits issued pursuant to this part.

(f) Enforcement

Any public food service establishment that fails to comply with the requirements of this Section shall be guilty of violating this Section of the City of Edgewood Code of Ordinances and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of this Code and general law. Each day a violation exists shall constitute a distinct and separate offense. The City shall have the authority to revoke a permit issued pursuant to this Section for repeated violations of the requirements of this Section.

SECTION 3. Chapter 10, Section 10-4 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 10-4. - Commercial kennels, animal breeding or boarding facilities.

It shall be unlawful for any person, firm or corporation to erect or use any building or yard for the commercial keeping, breeding, boarding or sale of live animals anywhere within the city, except as might be specifically authorized by the council in general commercial districts or properly zoned areas. This Section shall not prohibit a properly registered dog friendly dining establishment which is operating in compliance with Section 10-10 herein.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Edgewood Code of Ordinances.

SECTION 4: Severability: It is the intent of the City Council of the City of Edgewood, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5: Effective Date: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED this **20th** day of **March, 2018**, by the City Council of the City of Edgewood, Florida.

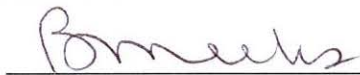
PASSED ON FIRST READING: **February 20, 2018**

PASSED ON SECOND READING: **March 20, 2018**



John Dowless, Council President

ATTEST:



Bea L. Meeks, MMC
City Clerk