

Introduced By: Council member Penny Christian

1st Reading: August 2, 2010

2nd Reading: August 16, 2010

ORDINANCE NO. 2010-7995

AN ORDINANCE AMENDING ORDINANCE 2008-7960, ALLOWING DOGS WITHIN THE OUTDOOR DINING AREAS OF PUBLIC FOOD SERVICE ESTABLISHMENTS UNDER CERTAIN CONDITIONS AS SET FORTH WITHIN FLORIDA STATUTES, SECTION 509.233, PUBLIC FOOD SERVICE ESTABLISHMENT REQUIREMENTS, LOCAL EXEMPTION FOR DOGS IN DESIGNATED OUTDOOR PORTIONS, PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §509.233, authorizes local governments to enact an ordinance and issue a permit to public food service establishments to allow dogs in outdoor dining areas in accordance with the terms and conditions as set forth in order to avoid risk of citation and penalty from the Florida Division of Hotels and Restaurants, and

WHEREAS, at the request of citizens and public food service establishments owners, it is the intent of the City Council of the City of Jacksonville Beach (City) to allow dogs in the outdoor dining areas of public food service establishments in a manner consistent with Florida Statutes §509.233,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH:

SECTION 1. Authority. Florida Statutes §509.233 authorizes the City to adopt an ordinance and issue a permit to public food service establishments that provides an exemption from Section 6-501.115 of the Food and Drug Administration Food Code in order to allow dogs in the outdoor dining areas of their establishment.

SECTION 2. Permit Authorization. The City Manager or his/her authorized representative is hereby authorized to issue such permit following the application on a form as provided by the City on the condition that the public food service establishment seeking such permit has complied with all the requirements of §509.233, Florida Statutes and this ordinance.

SECTION 3. Violations. Violations of this ordinance shall be referred to the Special Magistrate of the City of Jacksonville Beach for disposition in accordance with §162.06(4),

Florida Statutes, and will be reported to the Florida Division of Hotels and Restaurants in accordance with §509.233, Florida Statutes.

SECTION 4. Permits. Public food service establishments choosing to allow patrons' dogs within certain designated outdoor portions of their establishment must apply for and receive a permit from the City before allowing dogs on their premises.

1. Application for a permit must include 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 to patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways. The diagram or plan must be accurate and to scale, but need not be prepared by a licensed design professional.
- d) A listing of the days of the week and hours of operation that the patrons' dogs will be permitted in the designated outdoor area.

2. Permits issued pursuant to this section shall establish that dogs are not allowed 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 must not require entrance into or passage through any indoor area of the food establishment.

3. Permits issued pursuant to this section shall require the public food service establishment to provide:

- a) Waterless hand sanitizer at all tables in the designated outdoor area.
- b) A kit, maintained near the designated outdoor area, with the appropriate materials for cleaning and sanitizing an area soiled by dog waste.

4. Permits issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of the public food service establishment, but will expire automatically on the sale of the establishment. Subsequent owners must reapply for a permit if the subsequent owner wishes to continue to accommodate patrons' dogs.

SECTION 5. Required Signs. Public food service establishments that obtain the necessary permit to allow dogs into designated outdoor areas must provide the following signage:

1. Requirements. Signs must comply with the following requirements:

- a) Lettering must be no less than a 36 pt. font.
- b) Lettering must be in a contrasting color to the sign background so as to be visible and readable.

2. Employee Signs. Signs with the following rules must be prominently posted in an employee area:

- a) All public food service employees must wash their hands promptly after touching or handling dogs.
- b) Employees are prohibited from touching or handling dogs while they are serving food or beverages or handling tableware.
- c) Employees must not allow dogs to come in contact with dishes, utensils, tableware, linens or other items involved in food service operations.
- d) Dogs are not allowed on chairs, tables or other furnishings.
- e) All table and chair surfaces must be cleaned and sanitized with a proper sanitization product between seating of patrons.
- f) Spilled food and/or drink must be removed from the floor or ground between seating of patrons.
- g) Accidents involving dog waste must be cleaned and the area sanitized immediately with a proper sanitizing agent.

3. Patron Signs. Signs with the following rules must be posted at the entrance to the designated outdoor area allowing dogs:

- a) Patrons are advised to wash their hands with the waterless hand sanitizer provided at tables for that purpose.
- b) Patrons must keep their dog on leash at all times and must keep their dog under control.
- c) Dogs are not allowed to come in contact with dishes, utensils, tableware, linens or other items involved in food service operations.
- d) Dogs are not allowed on chairs, tables or other furnishings.
- e) Accidents involving dog waste must be cleaned and the area sanitized immediately with a proper sanitizing agent.

SECTION 6. Fees. Fees may be set by resolution of the City Council.

SECTION 7. Liability. This ordinance in no manner assumes responsibility, obligation, or liability for any functions of the Florida Division of Hotels and Restaurants for the proper operations of such businesses as established by State and Federal laws.

SECTION 8. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 9. Codification of this ordinance in the City Code of Ordinances Land Development Code is hereby authorized and directed.

SECTION 10. This ordinance shall take effect upon its adoption and publication in accordance with the law.

AUTHENTICATED THIS 16th day OF August A.D., 2010.



Fland O. Sharp, MAYOR



Judy L. Bullock, ACTING CITY CLERK