

**ORDINANCE NO. 2012-16**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE V, USE REGULATIONS, DIVISION 9, SPECIFIC USE REGULATIONS OF THE CODE OF ORDINANCES BY ADDING SECTIONS 86-152, 86-153 AND 86-154 ENTITLED THE CITY OF VENICE DOG FRIENDLY DINING PROGRAM, PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Venice City Council wishes to implement the local exemption established by Section 509.233, Florida Statutes, to permit public food service establishments within the city to allow patrons' dogs within certain designated outdoor portions of their establishments subject to the terms and conditions herein contained.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA** as follows:

**SECTION 1.** Chapter 86, Land Development Code, Article V, Use Regulations, Division 9, Specific Use Regulations, is amended by the addition of Sections 86-152, 86-153 and 86-154 to read as follows:

**Sec. 86-152. Purpose and intent; program created; definitions.**

(a) The purpose and intent of this section is to implement the local exemption established by F.S. § 509.233, by permitting public food service establishments within the city, subject to the terms and conditions contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(b) Pursuant to F.S. § 509.233(2), there is hereby created in the city, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure shall be known as the City of Venice Dog Friendly Dining Program.

(c) As used in this program:

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

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

3. *Outdoor area* means an area adjacent to a public food service establishment that is predominantly free of physical barriers on at least three sides but may be covered from above.

4. *Patron* has the meaning given to "guest" by F.S. § 509.013.

5. *Public food service establishment* has the meaning given it by F.S. § 509.013.

6. *Business services coordinator* means the city employee responsible for the collection and coordination of all matters relating to the city business tax imposed pursuant to F.S. ch. 205.

**Sec. 86-153. Permit required; submittals.**

(a) 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 section.

(b) Applications for a permit under this section shall be made to the business services coordinator, on a form provided for such purpose by the business services coordinator, and shall include, along with any other such information deemed reasonably necessary by the business services coordinator in order to implement and enforce the provisions of this section, the following:

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

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

3. 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 business services coordinator. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

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

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

**Sec. 86-154. General regulations; cooperation; enforcement.**

(a) In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this section are subject to the following requirements.

1. 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.

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

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

4. Dogs shall not be allowed to consume any food.

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

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

7. 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.

8. 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.

9. At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, 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 by eleven inches in height (8½ x 11) and printed in easily-legible typeface of not less than twenty (20) point font size.

10. At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, 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 by eleven inches in height (8½ x 11) and printed in easily-legible typeface of not less than 20 point font size.

11. At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one (1) 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 by eleven inches in height (8½ x 11) and printed in easily-legible typeface of not less than 20 point font size.

12. 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.

(b) 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 section if such owner wishes to continue to accommodate patrons' dogs.

(c) In accordance with F.S. § 509.233(5), the business services coordinator shall accept and document complaints related to the Dog Friendly Dining Program within the city, and shall timely report to the division all such complaints and the city's enforcement response to such complaint. The business services coordinator shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this section.

(d) Any public food service establishment that fails to comply with the requirements of this section of the Code of Ordinances shall be subject to any and all enforcement proceedings consistent with the Code of Ordinances and general law.

(e) All public food service establishments participating in the Dog Friendly Dining Program shall provide and maintain a drinking water station for patrons' dogs and dogs in general.

**SECTION 2. Severability.** The sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional or unreasonable and thus void by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality or declaration of unreasonableness shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter, since they would have been enacted without the unconstitutional or unreasonable phrase, clause, sentence, paragraph or section.

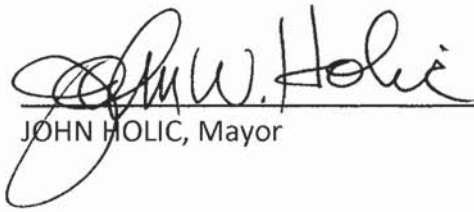
**SECTION 3. Effective Date.** This ordinance shall take effect immediately upon its adoption. This ordinance shall expire five years after its adoption unless extended by City Council prior to its expiration.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 12<sup>th</sup> DAY OF JUNE , 2012.**

First Reading: May 22, 2012

Final Reading: June 12, 2012

ADOPTION: June 12, 2012

  
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JOHN HOLIC, Mayor

ATTEST:

  
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LORI STELZER, MMC, City Clerk

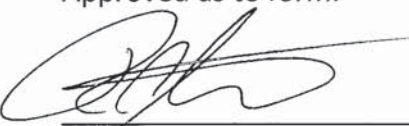
I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 12<sup>th</sup> day of June, 2012, a quorum being present.

WITNESS my hand and the official seal of said City this 13<sup>th</sup> day of June, 2012.

  
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LORI STELZER, MMC, City Clerk

(SEAL)

Approved as to form:

  
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City Attorney