

ORDINANCE NO. 8306-12

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE RELATING TO LAND USE; AMENDING ARTICLE 3, DEVELOPMENT STANDARDS; ADOPTING DIVISION 25, SECTIONS 3-2501 THROUGH 3-2506, PROVIDING FOR PUBLIC FOOD SERVICE ESTABLISHMENTS WITH A PERMIT TO ALLOW PATRONS' DOGS ON THE PREMISES IN DESIGNATED OUTDOOR SEATING AREAS, PROVIDING PURPOSE AND AUTHORITY, PROVIDING DEFINITIONS, PROVIDING FOR APPLICATION REQUIREMENTS, PROVIDING FOR REGULATIONS, PROVIDING FOR PERMIT EXPIRATION AND REVOCATION, AND PROVIDING PROCEDURES FOR REPORTING AND RESOLVING COMPLAINTS AND FOR REPORTING INFORMATION TO THE STATE OF FLORIDA; AMENDING APPENDIX A, SECTION VIII, LAND DEVELOPMENT, TO ADD A PERMIT FEE FOR DOG-FRIENDLY RESTAURANTS AND OUTDOOR CAFES; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater adopted a new Community Development Code on January 21, 1999 which was effective on March 8, 1999, and

WHEREAS, said Code provides requirements for restaurant and sidewalk cafe use; and

WHEREAS, The Dixie Cup Clary Local Control Act, Florida Statutes Section 509.233, grants the City the authority to provide exemptions to certain provisions of the Food and Drug Administration Food Code, as currently adopted, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments; and

WHEREAS, it is desirable to allow patrons and their dogs to be present within certain designated outdoor portions of public food service establishments, which have received permits; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CLEARWATER, FLORIDA:

Section 1. Article 3, Community Development Code, is amended to add Division 25 to read as follows:

DIVISION 25. DOG-FRIENDLY RESTAURANTS

Section 3-2501. Purpose and Authority.

The purpose of this division is to allow patrons' dogs within certain designated outdoor portions of public food service establishments, with permits, in a manner consistent with The Dixie Cup Clary Local Control Act, F.S. § 509.233. Said Act grants the City the authority to provide exceptions from section 6-501.115, 2001 FDA Food Code, as adopted and incorporated by the Division of Hotels and Restaurants in Chapter 61C-4.010(6), as amended from time to time, which prohibits the presence of live animals in public food establishments.

Section 3-2502. Definitions.

The term "public food service establishment" as used in this division means a restaurant and/or outdoor café, as defined in Section 8-102, which is also licensed as such an establishment pursuant to Florida Statutes Chapter 509, Part I. The term "employee" or "employees" as used in this division includes, but is not limited to, the owner or owners of a public food service establishment. The term "dog friendly restaurant or outdoor cafe" as used in this land development code means a public food service establishment which has received a permit under this division.

Section 3-2503. Application Requirements.

Public food service establishments must apply for and receive a permit from the City of Clearwater Community Development Coordinator or his/her designee, before patrons' dogs are allowed on the premises. A fee to cover the cost of processing the initial application and renewals shall be charged to the applicant applying for the permit in accordance with Appendix A, Section VIII(1)(m) of this code. The application for a permit shall require such information from the applicant as is deemed reasonably necessary to enforce the provisions of this division, but shall require, at a minimum, the following information:

- 1) The name, location, mailing address, and Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants-issued license number of the public food service establishment.
- 2) The name, mailing address, 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 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 permitting authority. 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.

Section 3-2504. Regulations.

Public food service establishments that receive a permit to allow dogs in designated outdoor areas pursuant to this division shall require that:

- 1) 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 service establishment.
- 2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Water-less hand sanitizer 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 serving dishes, utensils, tableware, linens, paper products, or any other item involved in food service operations.
- 4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- 5) Dogs shall not be allowed on chairs, tables, or other furnishings.
- 6) 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.
- 7) 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.
- 8) A sign or signs reminding employees of the applicable rules shall be posted on premises in a conspicuous manner and place frequented by employees within the public food service establishment.
- 9) A sign or signs reminding patrons of the applicable rules shall be posted on premises in a conspicuous manner and placed within the designated outdoor portion of the public food service establishment.
- 10) A sign or signs placing the public on notice that the designated outdoor area is currently available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner near the entrance to the designated outdoor portion of the public food service establishment.
- 11) Dogs shall not be permitted to travel through indoor or nondesignated 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.

Section 3-2505. Permit Expiration and Revocation.

- A. A permit issued pursuant to this division shall not be transferred to a subsequent owner upon the sale of a public food service 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.
- B. Permits shall expire on September 30 of each year.
- C. A permit may be revoked by the City Community Development Coordinator or his/her designee if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food establishment fails to comply with any condition of approval, fails to comply with the approved diagram, or is found to be in violation of any provision of this division.
- D. If a public food service establishment's permit is revoked, no new permit may be approved for the establishment until the expiration of one hundred and eighty (180) days following the date of revocation.

Section 3-2506. Complaints and Reporting.

- A. Complaints may be made in writing to the Community Development Coordinator. The Community Development Coordinator or his/her designee shall accept, document, and respond to all written complaints and shall report to the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants all complaints and the response to such complaints.
- B. The Community Development Coordinator or his/her designee shall provide the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants with a copy of all approved applications and permits issued.
- C. All applications, permits and other related materials shall contain the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants-issued license number for the public food service establishment.

Section 2. Appendix A, VIII Land Development, (1) Level One, Community Development Code, is hereby amended to add subsection (m), to read as follows:

(m) Dog-friendly restaurant or outdoor café
permit.....75.00.

Section 3. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 4. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 5. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

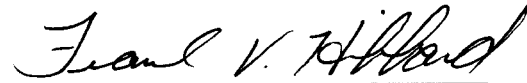
Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

January 12, 2012

PASSED ON SECOND AND FINAL
READING AND ADOPTED

February 2, 2012




Frank V. Hibbard
Mayor

Approved as to form:

Attest:



Leslie K. Dougall-Sides
Assistant City Attorney



Rosemarie Call
City Clerk