

ORDINANCE NUMBER 2016 - 13

AN ORDINANCE OF WALTON COUNTY, FLORIDA PROVIDING FOR AN AUTHORIZED EXEMPTION FROM STATE LAW TO ALLOW DOGS IN OUTDOOR AREAS OF PUBLIC FOOD ESTABLISHMENTS DURING OPERATING HOURS; PROVIDING FOR REGULATIONS, PROVIDING FOR APPLICATION AND PERMIT PROCEDURES; PROVIDING FOR A COMPLAINT PROCEDURE; PROVIDING FOR PERMIT REVOCATION; PROVIDE FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE AND CONFIRMATION.

WHEREAS, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners is authorized to adopt ordinances necessary for the exercise of its power; and

WHEREAS, pursuant to Section 509.233, Florida Statutes, the Florida Legislature has authorized local governments to enact local regulations authorizing the presence of dogs in designated areas of public food establishments and restaurants; and

WHEREAS, the Board of County Commissioners reviewed and approved the following changes and additions to its Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, WALTON COUNTY, FLORIDA THAT:

(a) *Purpose.* The Dixie Cup Clary Local Control Act, F.S. § 509.23, grants the County the authority to provide exemptions 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), Florida Administrative Code. The procedure adopted pursuant to this section provides an exemption, for those public food service establishments which have received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.

(b) No dog shall be in a public food service establishment unless allowed by state law and the public food service establishment has received and maintains an unexpired permit pursuant to this section allowing dogs in designated outdoor areas of the establishment.

(c) *Application requirements.* Public food service establishments must apply for and receive a permit from the Walton County Planning Department, its Director or designee, before patrons' dogs are allowed on the premises. The director shall establish a reasonable fee to cover the cost of processing the initial application and renewals. The application for a permit shall require such

information from the applicant as is deemed reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

- (1) Name, location, mailing address and division of hotels and restaurants-issued license number of the public food service establishment.
- (2) Name, mailing address and telephone contact information of the permit applicant. The name, mailing address and telephone contact information of the owner of the public food service establishment shall be provided if the owner is not the permit applicant.
- (3) A diagram and description of the outdoor area which is requested 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 the other outdoor dining areas 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 as is deemed necessary by the zoning director. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.
- (4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(d) *Regulations.* Public food service establishments that receive a permit for a designated outdoor area pursuant to this section shall require that:

- (1) Employees shall wash their hands promptly after touching, petting or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.
- (2) Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.
- (3) Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
- (4) Patrons shall not leave their dogs unattended for any period of time. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- (5) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved with food service operations. Patrons shall be advised of this requirement by appropriate signage at conspicuous locations.
- (6) Employees and patrons shall not allow any part of a dog to be on chairs, tables or other furnishings.
- (7) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

(8) Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible, but in no event less frequently than between seating of patrons at the nearest table.

(9) Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. The public food service establishment shall keep a kit with the appropriate materials for this purpose near the designated outdoor area. Dog waste shall not be carried in or through indoor portions of the public food establishment.

(10) Employees and patrons shall not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the public food service establishment.

(11) A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner and place, as determined by the zoning director or his/her designee, that places the public on notice.

(12) A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the zoning director or his/her designee.

(13) A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the zoning director or his/her designee.

(14) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or non-designated outdoor portions of the public food service establishment.

(15) The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.

(16) Employees and patrons shall not allow any dog to be in the designated outdoor areas of the public food service establishment if the public food service establishment is in violation of any of the requirements of this section.

(17) Permits shall be conspicuously displayed in the designated outdoor area.

(18) It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a public food service establishment without a permit is a separate violation.

(e) *Expiration and revocation.*

(1) A permit issued pursuant to this section shall expire automatically upon the sale of the public food service establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this section if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the public food service establishment.

(2) Permits shall expire on June thirtieth (30th) of each year.



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(3) A permit may be revoked by the zoning director or his/her designee if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license or is found to be in violation of any provision of this section. If the ground for revocation is a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.

(4) 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.

(f) *Complaints, reporting, revocation of permit.*

(1) Complaints may be made in writing to the director. The director shall timely accept, document, and respond to all complaints. The director or his/her designee shall timely report to the division of hotels and restaurants and to the Walton County Code Enforcement Division all complaints and the response to such complaints.

(2) The director or his/her designee shall provide the division of hotels and restaurants with a copy of all approved applications and permits issued.

(3) All applications, permits and other related materials shall contain the division of hotels and restaurants-issued license number for the public food service establishment.

(4) If the Code Enforcement Board finds a restaurant in violation of this code, in addition to all of the remedies available to the Code Board in Florida law and in Walton County Ordinances, the Code Board may recommend to the Director that the restaurants permit granted under this section be revoked. The decision to revoke the permit lies solely within the discretion of the Director and his decision may be appealed to the Walton County Board of Adjustment.

This Ordinance shall become effective when filed with the Secretary of State.

Adopted by the Board of County Commissioners of Walton County, Florida, at a duly advertised public hearing this 24th day of May, 2016.

Attest:

for *Dori Cordle*
Alex Alford, Clerk of Circuit Court
And County Comptroller

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

BY: *Sandra Comanaru*
Sandra Comanaru, Chair

The seal is circular with a blue border containing the text "COUNTY COMMISSIONERS" at the top and "WALTON COUNTY, FLORIDA" at the bottom. In the center, the word "SEAL" is printed in large, bold, blue letters.