

## ORDINANCE NO. 518

**AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA, PURSUANT TO SECTION 509.233, FLORIDA STATUTES, ADDING SECTION 160.052 TO THE LAND DEVELOPMENT CODE (LDC) ENTITLED “DOG-FRIENDLY DINING;” PROVIDING FOR A LOCAL EXEMPTION TO ALLOW DOGS IN DESIGNATED OUTDOOR PORTIONS OF PUBLIC FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION REQUIREMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 509.233, Florida Statutes, grants the Town the authority to establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted under the Florida Administrative Code, in order to allow patrons’ dogs within certain designated outdoor portions of public food service establishments; and

**WHEREAS**, following due notice and favorable recommendation from the Town of Indian River Shores Planning, Zoning & Variance Board, it is the intent and desire of the Town Council to allow dogs to remain with their owner in a designated outdoor portion of public food service establishments;

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AS FOLLOWS:**

The following is added to the Town of Indian River Shores’ Land Development Code:

### **160.052 DOG-FRIENDLY DINING**

**SECTION 1. Purpose.** As allowable in Florida Statutes Section 509.233, the Town exercises its authority as granted to establish a local exemption procedure to certain provisions of the Food and Drug Administration (FDA) Food Code, as currently adopted under the Florida Administrative Code, in order to allow patron’s dogs within certain designated outdoor portions of public food service establishments.

**SECTION 2. Food Service Establishment Responsibilities to the Town.** In order to protect the health, safety, and general welfare of the public, the Town requires participating public food service establishments to apply for and receive a permit from the Town before allowing patrons’ dogs on their premises. The Town shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. The name, location, and mailing address 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. Food Service Establishment Responsibilities to the Public.** In order to protect the health, safety, and general welfare of the public, the Town exemption ordinance requires the following:

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 food service establishment.
2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless 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 items 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 manner and place as determined by the local permitting authority.
9. A sign or signs reminding *patrons* of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.
10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.
11. Dogs shall not be permitted to travel through indoor or non-designated 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 4. Permit Issuance and Regulation.** A permit issued pursuant to this section 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. A permit issued by the Town Building Official shall expire on September 30<sup>th</sup> of each year. The oversight of all matters relating to the permit shall be by the Code Enforcement Official as designated by the Town Manager from time to time.

**SECTION 5. Reporting requirements and complaints.**

1. **Report of application and permit.** The designated Code Enforcement Officer shall promptly provide the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation with a copy of all approved applications and permits issued.
2. **Complaints.** The designated Code Enforcement Officer shall establish a procedure for timely accepting, documenting, and responding to complaints related to the permit requirements and shall promptly report to the division all complaints and the Town's response to such complaints. All complaints, reports, warnings, citations, and related materials shall contain the appropriate division-issued license number for the food service establishment subject of the complaint or enforcement action.

**SECTION 6. Enforcement.** The provisions of this ordinance may be enforced pursuant to any method provided for by this Code or general law. In addition to all other methods of enforcement, the Code Enforcement Board of the Town is authorized to enforce the permit provisions and the Code Enforcement Official, and the Code Enforcement Board may suspend or revoke the permit issued.

**SECTION 7.** All ordinances, or parts of ordinances, in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION 8.** The ordinance shall be effective immediately after its passage.

*Passed 1st Reading: March 26, 2015*

*Published: April 10, 2015*

**PASSED AND ADOPTED** upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on this 23rd day of April, 2015.

Attest:

By:

/s

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Brian M. Barefoot, Mayor

/s

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Laura Aldrich, Town Clerk