

## ORDINANCE 1139

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING THE CITY TO ISSUE PERMITS TO ALLOW PATRONS' DOGS IN DESIGNATED OUTDOOR PORTIONS OF PUBLIC FOOD SERVICE ESTABLISHMENTS; PROVIDING DEFINITIONS; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING GENERAL REGULATIONS; PROVIDING FOR ENFORCEMENT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to recognize that the animal subspecies *canis lupus familiaris* has, since time immemorial, demonstrated a unique capacity for loyalty, devotion, love, friendship, compassion, and service to humankind, and has earned the colloquial sobriquet of "Mans' Best Friend," and;

WHEREAS, Section 509.233, Florida Statutes (2008), authorizes local governments to adopt an ordinance establishing a local exemption to certain provisions of general law and agency rules relating to public food service establishments to permit patrons' dogs at certain designated outdoor portions of such establishments. It is the purpose of this ordinance to take advantage of the three year pilot program established by section 509.223, Florida Statutes, by permitting public food service establishments in the City, subject to the terms of this ordinance, to become exempt from certain portions of the State of Florida's Food code to allows patrons' dogs within certain designated outdoor portions of their respective establishments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA,

SECTION 1. From and after the effective date of this Ordinance, Article XXI of the City's Zoning Ordinance is created to read as follows:

**Section 1. Title; Enactment.**

(a) This Ordinance shall be known as the Doggie Dining Act.

(b) Pursuant to section 509.233(2), Florida Statutes, there is hereby created in the City of Panama City Beach, Florida, 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 may be known as the City of Panama City Beach Dog Friendly Dining Program.

**Section 2. Definitions.**

As used in this article:

*Division* shall mean the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

*Dog* shall mean an animal of the subspecies *canis lupus familiaris*.

*Outdoor area* shall mean an area adjacent to a public food service establishment intended for use by patrons of such public food service establishments, which area is not heated or cooled in conjunction with the public food service establishment it serves and is not enclosed by walls,

doorways and closeable windows covering 100% of the combined surface area of the vertical planes constituting the perimeter of the area.

*Public food service establishment* shall mean any building, vehicle, place or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises, called for or taken out by customers, or prepared prior to being delivered to another location for consumption.

**Section 3. Permit required, applications.**

- (a) 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 Article.
- (b) Applications for a permit under this Article shall be made to the City Manager or his designee, on a form provided for such purpose by the City Manager, and shall include, along with any other such information deemed reasonably necessary by the City Manager to implement and enforce the provisions of this Article:
  - 1. The name, mailing address and telephone contact information of the permit applicant and the subject food service establishment.
  - 2. 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 City Manager. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
  - 3. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
  - 4. All application materials shall contain the appropriate license number for the subject public food service establishment issued by the Division.
  - 5. A permit fee of fifty dollars (\$50.00).
- (c) Each permit shall expire on the December 31 next following issuance, regardless of when issued.
- (d) The City Manager reserves the right to deny the application for a permit under this Article to any public food service establishment found to have violated the provisions of this Article in three (3) or more instances during the twelve (12) months preceding the date of receipt of the permit application.

**Section 4. General Regulations; cooperation.**

In order to protect the health, safety and general welfare of the public, and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this Article are subject to the following requirements:

- (a) 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.
- (b) 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.
- (c) Employees and patrons shall be instructed that they shall not allow dogs to come in to contact with services dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- (d) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

- (e) Dogs shall not be allowed on chairs, tables or other furnishings.
- (f) 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.
- (g) 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.
- (h) At least one sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as condition of a permit issued by the City Manager, 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 and eleven inches in height and printed in easily legible typeface of not less than twenty point font size.
- (i) At least one sign reminding patrons of the applicable rules, including those contained in this party, and those additional rules and regulations, if any, included as a condition of a permit issued by the City Manager, 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 and eleven inches in height and printed in easily legible typeface of not less than twenty point font size.
- (j) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one 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 portions 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 and eleven inches in height and printed in easily legible typeface of not less than twenty point font size
- (k) Dogs shall not permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

A permit issued pursuant to this Article 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 Article if such owner wishes to continue to accommodate patrons' dogs. Permit must be displayed in a prominent location.

**Section 5. Enforcement, Penalty.**

- (a) The provisions of this Article are cumulative. Nothing herein shall be construed to permit any activity or condition which would constitute a nuisance or be contrary to any law or legal duty. Notwithstanding the issuance of a permit issued in accordance with this Article, a public food service establishment may still be in violation of other provisions of law.
- (b) In accordance with section 509.233(6), Florida Statutes, the City Manager shall accept and document complaints related to the Doggie 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 City Manager shall also timely provide the Division with a copy of all approved applications and permits issued pursuant to this Article.
- (c) The provisions of this section may be enforced by the Building Inspector, the Code Enforcement Officer, or any law enforcement officer. Any person determined to have willfully failed to comply with any provision of this Article shall be guilty of an offense

punishable as provided in Section 1-12 of the City Code. Each dog on the premises of a public food service establishment in violation of this article shall constitute a separate offense. This penalty is in addition to any other remedy available to the City.

SECTION 2. From and after the effective date of this Ordinance, Article I, Section 5-6 of the City's Code of Ordinances is amended to read as follows (new text **bolded and underlined**, deleted text ~~struckthrough~~):

**Sec. 5-6. Presence in food establishments.**

(a) It shall be unlawful for any owner of any animal, except "seeing eye" dogs, to permit such animal to enter or remain upon the enclosed premises of any business engaged in the preparation, sale or storage of food for human consumption.


(b) It shall be unlawful for any owner of any dog, except "seeing eye" dogs, to knowingly permit such dog to enter or remain upon any portion of the premises of any public service establishment which is not designated and authorized for use and enjoyment by dogs pursuant to a permit issued by the City in accordance with Article XXI of the City's Zoning Ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

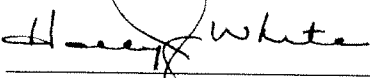
SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

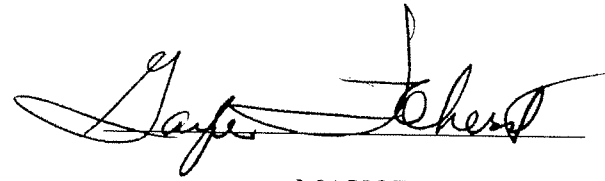
PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 12<sup>th</sup> day of February, 2009.

  
MAYOR

ATTEST:

  
CITY CLERK

EXAMINED AND APPROVED by me this 12th day of February,  
2009.



MAYOR

POSTED AT:

City of PCB City Hall

Dated: 13 February, 2009

W PCB Post Office

Dated: 13 February, 2009

PCB Public Library

Dated: 13 February, 2009