

**Ordinance No. 2007-041 (as amended) – Doggie Dining**

ARTICLE 5. USE REGULATIONS

o. *Restaurant*. A restaurant is permitted in accordance with the use table in Section 5.1, subject to the following standards:

10. Public Food Service Establishments that have received a permit pursuant to this sub-subsection are exempt from those sections of the Food and Drug Administration Food Code that prohibit live animals in Public Food Service Establishments.

i. Definitions.

(a) *Division* shall mean the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.

(b) *Department* shall mean the Sarasota County Health Department (SCHD).

(c) *Public Food Service Establishment* shall mean restaurant as defined by Section 10.2 of these Zoning Regulations.

(d) *Employee* or *Employees* shall include, but is not limited to, the owner or owners of the Public Food Service Establishment.

ii. 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 sub-subsection allowing dogs in designated outdoor areas of the establishment.

iii. Public Food Service Establishments must apply for and receive a permit from the Sarasota County Health Department (SCHD) before patrons' dogs are allowed on the premises. The Board shall adopt a reasonable fee by resolution to cover the cost of processing the initial application, permitting, inspections, renewals, and enforcement. The application for a permit shall require the following information:

(a) Name, location, mailing address and Division-issued license number of the Public Food Service Establishment.

(b) Title, name, mailing address, and telephone contact information of the permit applicant. Applications are accepted from only the owner of the Public Food Service Establishment or the owner's authorized agent, which authorization must be in writing and notarized. 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.

(c) 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.

(d) 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.

(e) Days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area of the Public Food Service Establishment.

iv. Public Food Service Establishments that receive a permit to allow dogs in a designated outdoor area pursuant to this subsection shall require that:

(a) Employees wash their hands promptly after touching, petting, or otherwise handling any dog.

- (b) Employees 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.
  - (c) Patrons in a designated outdoor area be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating and waterless hand sanitizer be provided at all tables in the designated outdoor area.
  - (d) Patrons keep their dogs under control and on a leash at all times.
  - (e) Employees and patrons not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.
  - (f) Employees and patrons not allow any part of a dog to be on chairs, tables, or other furnishings.
  - (g) Employees clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
  - (h) Employees 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.
  - (i) Employees and patrons remove all dog waste immediately and the floor or ground be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area.
  - (j) Employees and patrons not permit dogs to be in, or to travel through, indoor or nondesignated outdoor portions of the Public Food Service Establishment.
  - (k) 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 be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the Public Food Service Establishment, notifying patrons 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 and 11 inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than 20 point font size.
  - (l) At least one sign reminding patrons of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the SCHD, 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 11 inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than 20 point font size.
  - (m) At least one sign reminding employees of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the SCHD, 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 11 inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than 20 point font size.
  - (n) Ingress and egress to the designated outdoor area not require entrance into or passage through any indoor area or non-designated outdoor portions of the Public Food Service Establishment.
  - (o) The Public Food Service Establishment and designated outdoor area comply with all permit conditions and the approved diagram.
  - (p) Employees and patrons 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 sub-subsection 5.3.4.o.10.
  - (q) Permits be conspicuously displayed in the designated outdoor area.
- v. A permit issued pursuant to this sub-subsection 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 subsection if the subsequent owner wishes to continue to

allow patrons' dogs in a designated outdoor area of the Public Food Service Establishment. Permits shall expire on June 30 of each year.

vi. Complaints and reporting.

(a) Complaints may be made in writing to the SCHED. The SCHED shall accept, document, and respond to all complaints and shall timely report to the Division all complaints and the response to such complaints.

(b) The SCHED shall provide the Division with a copy of all approved applications and permits issued.

(c) All applications, permits, and other related materials shall contain the Division-issued license number or the Public Food Service Establishment.

vii. It shall be unlawful to fail to comply with any of the requirements of this sub- subsection. Each instance of a dog on the premises of a Public Food Service Establishment that does not have a valid permit authorizing dogs at the Establishment is a separate violation.

viii. Enforcement and penalties.

(a) It shall be the responsibility of the SCHED to enforce the provisions of this sub-subsection within Sarasota County.

(b) A permit may be revoked by the SCHED if, after notice and reasonable time in which the grounds for revocation may be corrected as specified in the notice, the Public Food Service Establishment fails to comply with any condition of the permit, 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 sub-subsection. 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.

(c) If a Public Food Service Establishment's permit for allowing dogs at the Establishment is revoked, no new permit may be approved for the Establishment until the expiration of 180 days following the date of revocation.

(d) Any Public Food Service Establishment that fails to comply with the requirements of this sub-subsection shall be guilty of violating this part of the Sarasota County Zoning Code and shall be subject to any and all enforcement proceedings consistent with the Sarasota County Zoning Code and general law. Each day a violation exists shall constitute a distinct and separate offense.

ix. This sub-subsection 5.3.4.o.10 shall sunset on July 1, 2014, and be of no further force or effect, unless the Board of County Commissioners readopts this sub-subsection by ordinance.