

AMENDED

PROPOSED
ORDINANCE NO. 31-17

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-12-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, REGULATION OF PATRONS' DOGS AT PERMITTED FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-12-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-12-8. - Regulation of patrons' dogs at permitted food service establishments.

Pursuant to the authority granted by F.S. § 509.233, patrons' dogs may be permitted within certain designated outdoor portions of permitted public food service establishments, notwithstanding the provisions of section 4-2-33 of the Code of the City of Pensacola, Florida, or the provisions of F.S. § 509.032(7), provided that each of the following requirements and criteria have been complied with:

- (A) Any public food service establishment desiring to allow patrons' dogs within certain designated outdoor portions of its public food service establishment, must apply for and receive a permit from the city council before allowing patrons' dogs on its premises.
- (B) Each applicant shall supply the following information in order to receive a permit:
 - (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 as may reasonably be required by the city council. 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.

- (5) Proof that the applicant possesses liability insurance in the minimum amount of twenty-five thousand dollars (\$25,000.00) in the event of a dog biting a staff member, patron, guest or passerby while on the premises.
 - ~~(6) With respect to applicants whose outdoor seating is on a public sidewalk, proof that the restaurant has erected a physical barrier which would prevent pedestrian passersby from having direct contact with any dog on premises.~~
 - ~~(7)~~(6) With respect to restaurants located adjacent to another restaurant or licensed establishment, proof that the applicant has provided the neighboring establishment with notification of the applicant's intent to seek a permit under this section.
- (C) In order to protect the health, safety, and general welfare of the public, the following measures shall be continuously applied by the permitted establishment:
- (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 areas.
 - (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 prominently posted on premises.
 - (10) A sign or signs shall be prominently posted 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 areas of the food establishment.
- (D) 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.

- (E) The application for a permit shall be accompanied by a nonrefundable permit fee of one hundred dollars (\$100.00).
- (F) This provision shall be enforced by sworn law enforcement officers employed by the City of Pensacola, and the civil fine penalty provided by section 1-1-8 of the Code of the City of Pensacola, Florida shall apply. Such officers shall enforce the provisions of this section of the code through issuing a Notice to Appear, a Civil Citation or other means of enforcement pursuant to Chapter 13 of this code; to be acknowledged and received by the patron, restaurant owner, managing agent, property owner or employee receiving the notice. Failure to sign acceptance of the Notice to Appear or Civil Citation shall be a first degree misdemeanor as defined by Florida law. Any permitted establishment accumulating three (3) or more Notices to Appear shall have its permit subject to suspension or revocation at the discretion of the Pensacola City Council.
- (G) In the event of a violation of this section at a permitted establishment, all costs of enforcement and prosecution shall be assessed against the establishment by the city council and shall constitute a special assessment against such establishment, for which a lien on all personal and real property may be imposed, recorded and foreclosed upon by the City of Pensacola.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk