

ORDINANCE NO. 2014-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES; ADOPTING A NEW SECTION 28.22 OF THE LAND DEVELOPMENT CODE, TO INCLUDE A USE FOR DINING WITH DOGS – OUTDOORS ONLY, AND ADDING SUPPLEMENTAL STANDARDS FOR DINING WITH DOGS – OUTDOORS ONLY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, enacted a Nassau County Land Development Code on January 22, 2007; and

WHEREAS, Florida Statute §509.233, allows the governing body of a local government to establish, by ordinance, a local exemption procedure to allow patrons' dogs within certain designated outdoor portions of public food service establishments; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, recognizes the need for regulations to allow for "pet friendly" environments as an economic development opportunity for certain restaurants, while protecting public health, safety, and welfare by including the minimum standards required to be within this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 14th day of July, 2014, that:

1. Article 28, Section 28.22 of the Nassau County Land Development Code is hereby created to read as follows:

LAND DEVELOPMENT CODE
ARTICLE 28
SECTION 28.22

28.22 DOGS AT FOOD SERVICE ESTABLISHMENTS – OUTDOORS ONLY

A. Pursuant to Florida Statute §509.233, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted, is established to allow patrons' dogs within certain designated outdoor portions of public food service establishments. Exemptions may be authorized in outdoor spaces of public food service establishments in the CN-AB, CG-AB, CHT, CJ, CN, CG, CI, IW, IH, IP, and PUD zoning districts, subject to the standards of the zoning district. Public food service establishments and patron are defined by Florida Statute §509.013.

B. In order 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 section. Service animals are excluded from the permitting requirement.

C. The permit application shall have an associated application fee as established by the County's fee schedule.

D. Applications for a permit under this section shall be made to the Growth Management Department on a form provided for such purpose. The application shall include the following information, in addition to any other information deemed reasonably necessary by the Growth Management Department in order to implement and enforce the provisions of this section:

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 (a) dimensions of the designated area; (b) a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; (c) the entryways and exits

to the designated outdoor area; (d) the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; (e) any fences or other barriers; (f) surrounding property lines and public right-of-way, including sidewalks and common pathways; and (g) such other information reasonably required by the Growth Management Department. 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. Permission from the property owner if the public food service establishment is a tenant.

6. A copy of the public food service establishment's commercial general liability insurance.

E. The following requirements for dog dining at public food service establishments as defined by the state are:

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 Growth Management Department.
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 Growth Management Department.
10. A sign or signs shall be posted in a manner and placed as determined by the Growth Management Department 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 the indoor or nondesignated 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.

12. Additional policies as may be deemed necessary by the Growth Management Department in order to protect the health, safety, and general welfare of the public may be imposed.

F. 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. Permits shall be conspicuously displayed in the designated outdoor area.

G. The applicant must submit a right-of-way permit application in addition to the dog dining permit application if the outdoor area designated for dogs includes County right-of-way.

H. The Growth Management Department shall provide the Department of Business and Professional Regulation a copy of all approved applications and permits issued, as well as notice of any complaints received and subsequent response by the County.

I. All applications, permits, and other related materials must contain the Department of Business and Professional Regulation issued license number for each public food service establishment.

J. Signage required under this section is exempt from sign permitting requirements; but may not be illuminated, shall not be posted above a height of eight (8) feet, and may not exceed four (4) square feet.

K. Revocation of Permit.

1. A permit may be revoked by the County 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 of the standards, any condition of approval, fails to comply with the diagram or plans, or fails to maintain any required state or local licenses.

2. If the grounds for revocation is a failure to maintain any of the required state or local licenses, the revocation may take effect immediately upon giving notice of revocation to the permit holder by the County.

3. If revoked, an owner may not reapply for a period of 12 months from the date of revocation.

4. Each instance of a dog on the premises of a public food service establishment without an outdoor dog dining permit is a separate violation.

2. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

3. SEVERABILITY.

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

4. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in section 125.66, Florida Statutes.

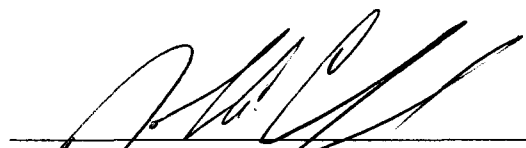
ENACTED AND ADOPTED this 14th day of July, 2014.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



BARRY V. HOLLOWAY
Its: Chairman

ATTESTATION: Only to Authenticity
As to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MS
07.15.14

Approved as to form by the Nassau County
Attorney:



DAVID A. HALLMAN