ORDINANCE
NUMBER 2018-032

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA,
AMENDING PART III, LAND DEVELOPMENT AND
GROWTH MANAGEMENT, CHAPTER 3-5, PLANNING AND
DEVELOPMENT, OF THE CODE OF LAWS AND
ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY
ADDITION NEW ARTICLE VIII, ALLOWING DOGS IN
DESIGNATED OUTDOOR AREAS OF FOOD SERVICE
ESTABLISHMENTS; PROVIDING FOR NEW SECTION
3-5-206, DEFINITIONS; PROVIDING FOR NEW SECTION
3-5-207, REQUIREMENTS OF FOOD SERVICE
ESTABLISHMENTS WHICH ALLOW DOGS; PROVIDING
FOR NEW SECTION 3-5-208, COMPLAINTS AND
REPORTING; PROVIDING FOR NEW SECTION 3-5-209,
ENFORCEMENT AND PENALTIES; PROVIDING FOR
CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE; APPLICANT: BOARD OF COUNTY
COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA.

RECITALS

WHEREAS, section 509.233, Fla. Stat., states that "the governing body of a local
government may establish, by ordinance, a local exemption procedure to certain
provisions of the Food and Drug Administration Food Code to allow patrons' dogs within
certain designated outdoor portions of public food service establishments"; and

WHEREAS, the adoption of the local exemption procedure shall be at the sole
discretion of the governing body of a participating local government but shall be subject
to the limitations stated in section 509.233(3), Fla. Stat.; and

WHEREAS, the local exemption shall provide for codification within the land
development code of a participating local government; and
WHEREAS, the County shall have such powers as are reasonably necessary to regulate and enforce the local exemption pursuant to section 509.233(4), Fla. Stat.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida, that:

Section 1. Article VIII, of the Code of Laws and Ordinances of Charlotte County, Florida, shall be created as follows (underlined words are inserted, words that are struck through are deleted):

**Article VIII. Dogs in Designated Areas of Food Service Establishments.**

**Section 3-5-206. Definitions.**

In this Article, the following words and phrases shall have the meanings indicated. Except as defined herein, all other words used in this Article shall have their customary dictionary definitions.

*Department:* The Charlotte County Community Development Department, or its successor.

*Division:* The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, or its successor.

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

*Food Service Establishment:* Food Service Establishment is defined in Section 2-3-21, of the Code of Laws and Ordinances of Charlotte County, Florida.

**Section 3-5-207. Requirements of Food Service Establishments Which Allow Dogs.**

(a) Food Service Establishments that have received a permit pursuant to this Article are exempt from those sections of the Food and Drug Administration Food Code that prohibit...
live animals in Food Service Establishments.

(b) No dog shall be in a Food Service Establishment unless allowed by state law and the Food Service Establishment has received and maintains an unexpired permit pursuant to this Article allowing dogs in designated outdoor areas of the establishment.

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

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

(2) Title, name, mailing address, and telephone contact information of the permit applicant. Applications are accepted from only the owner of the Food Service Establishment or the owner's authorized agent, which authorization must be in writing and notarized. The Food Service Establishment shall also provide the name, mailing address, and telephone contact information of the owner to the Department if the owner is not the permit applicant.

(3) A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including:

i. dimensions of the designated area;

ii. a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area;

iii. the boundaries of the designated area and of the other outdoor dining areas
not available for patrons' dogs;

iv. any fences or other barriers; and

v. surrounding and adjacent property lines and public rights-of-way, including sidewalks and common pathways.

(4) The diagram referenced in subsection (3) above 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.

(5) A list of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area of the Food Service Establishment.

(d) Food Service Establishments that receive a permit to allow dogs in a designated outdoor area pursuant to this Article shall require that:

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

(2) 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 Food Service Establishment.

(3) Patrons in a designated outdoor area shall 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.

(4) Patrons keep their dogs under control and on a leash at all times.

(5) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.
(6) Employees and patrons shall not allow any part of a dog to be on chairs, tables, or other furnishings.

(7) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

(8) Employees shall 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.

(9) Employees and patrons shall 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.

(10) Employees and patrons shall not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the Food Service Establishment.

(11) At all times while the designated outdoor portion of the 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 Food Service Establishment, notifying patrons that the designated outdoor portion of the 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 (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.

(12) 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
Department, shall be posted in a conspicuous location within the designated outdoor portion of the Food Service Establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.

(13) 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 Department, shall be posted in a conspicuous location frequented by employees within the Food Service Establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in easily legible typeface of not less than 20-point font size.

(14) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or non-designated outdoor portions of the Food Service Establishment.

(15) The Food Service Establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.

(16) Employees and patrons shall not allow any dog to be in the designated outdoor areas of the Food Service Establishment if the Food Service Establishment is in violation of any of the requirements of this Article.

(17) Permits shall be conspicuously displayed in the designated outdoor area.

(e) A permit issued pursuant to this Article shall expire automatically upon the sale of the Food Service Establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this Article if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the Food
Service Establishment. Permits shall expire on June 30 of each year.

Section 3-5-208. Complaints and Reporting.
(a) Complaints may be made in writing to the Department. The Department 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 Department 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 for the Food Service Establishment.

Section 3-5-209. Enforcement and Penalties.
(a) It shall be unlawful to fail to comply with any of the requirements of this Article. Each instance of a dog on the premises of a Food Service Establishment that does not have a valid permit authorizing dogs at the Food Service Establishment is a separate violation.
(b) It shall be the responsibility of the Department to enforce the provisions of this Article within Charlotte County.
(c) A permit may be revoked by the Department if, after notice and reasonable time in which the grounds for revocation may be corrected as specified in the notice, the 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 Article. 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.
(d) If a Food Service Establishment’s permit for allowing dogs at the Food Service
Establishment is revoked, no new permit may be approved for the Food Service Establishment until the expiration of 180 days following the date of revocation.

(e) Any Food Service Establishment that fails to comply with the requirements of this Article shall be guilty of violating this part of the Charlotte County Code of Laws and Ordinances and shall be subject to any and all enforcement proceedings consistent with the Code of Laws and Ordinances of Charlotte County, Florida and general law. Each day a violation exists shall constitute a distinct and separate offense.

(f) This Article shall not apply to the use of dogs as service animals under federal or state law.

Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

Section 3. Severability. If any section, subsection, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State of the State of Florida within 10 days of enactment and shall take effect upon filing with said department.

[SIGNATURE PAGE Follows]
PASSED AND DULY ADOPTED this 24th day of July, 2018.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: [Signature]
Kenneth W. Doherty, Chairman

ATTEST:
Roger D. Eaton, Clerk of the
Circuit Court and Ex-officio Clerk of
the Board of County Commissioners

By: [Signature]
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: [Signature]
Janette S. Knowlton, County Attorney
July 25, 2018

Mr. Roger D. Eaton  
Clerk of the Circuit Cour:  
County Comptroller  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2018-032, which was filed in this office on July 25, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb
PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Dickinson, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being an Legal Notice (BCC 07-24-2018) was published in said newspaper in the issues of:

July 09, 2018

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Dickinson
(Signature of Affiant)

Sworn and subscribed before me this 9th day of July, 2018.

(Signature of Notary Public)

(Please print name of Notary Public)

Personally known X_____ OR Produced Identification _____

Type of Identification Produced ____________________________

Notary Public Name: Myra Benson
My Commission NO: 122251
Expiration 06/06/2021
NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY AND FINAL PLATS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING.

A HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, JULY 24, 2018, AT 6:00 PM, OR SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 155, FIRST FLOOR, 800 NORTH EAGLE ROAD, CHARLOTTE COUNTY ADMINISTRATION CENTER, 1850 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD RESERVES THE RIGHT TO CONSIDER THE PROPOSALS AND PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PROPOSALS OR PETITIONS MAY BE CONSIDERED AS ONE AT THE MEETING COMMENCES.

PEOPLE OF SAID PETITIONS WITH COMPLETE, LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR VIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A LISTING AND PDF VERSION OF THIS NOTICE MAY BE VIEWED AT THE CHARLOTTE COUNTY GOVERNMENT WEBSITE: http://www.charlottecountytv.org/pdfs/BCC-meeting-agendas.aspx

CONTACT PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS, THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A 10-MINUTE LIMIT FOR EACH PERSON'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING (S). PLEASE CALL 941-764-7000 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

TITLES:

18-04-04
Quasi-Judicial
Commission District IV

site Equity Group, LLC, has requested Preliminary Plat approval for a subdivision to be named, Maraddock Village, consisting of a platted right-of-way. The site is 11.68 acres, more or less, located north of Franklin Avenue, east of Bowman Avenue, north of 13th Street, and west of 12th Street, in Section 11, Township 10S, Range 23E, in Commission District IV.

18-04-05
Quasi-Judicial
Commission District III

120 acres have Preliminary Plat approved for a Lake Erie subdivision. The project consists of a minimum of 37 plats for a residential subdivision consisting of 37 acres, more or less, located north of 10th Street, east of River Oak Place, and west of Ocean Avenue, in Section 16, Township 10S, Range 22E, in Commission District III.

18-03-01
Quasi-Judicial
Commission District I

cool Property Holdings, LLC, has requested Final Plat approval for a subdivision to be named, Bullock Ranch Community Phase IB, consisting of 86.26 acres, more or less, located north of 10th Street, east of River Oak Place, and west of Ocean Avenue, in Section 10, Township 12S, Range 22E, in Commission District I.

18-03-03
Quasi-Judicial
Commission District III

C.H. Horton, Inc., has requested Final Plat approval for a subdivision to be named, Buffalo Creek Trails Section B, consisting of 65.64 acres (family lots). They also took approval of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-04
Quasi-Judicial
Commission District IV

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, Citrus Creek Section B, consisting of 65.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-08
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section A, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-09
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-15
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-16
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-17
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-18
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-19
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.

18-03-20
Quasi-Judicial
Commission District I

C.R. Horton, Inc., has requested Final Plat approval for a subdivision to be named, River's Edge Section B, consisting of 57.64 acres (family lots). They also took approved of a Development Agreement approved by the developer's agent to approve the feasibility of and the planning for the project.