



**CITY COMMISSION AGENDA
CITY HALL CHAMBERS
251 W. Plant Street**

EMERGENCY MEETING

JUNE 16, 2008

7:00 A.M.

CALL TO ORDER

Determination of a Quorum

1. DETERMINATION, BY AFFIRMATIVE VOTE OF AT LEAST THREE (3) MEMBERS OF THE CITY COMMISSION THAT AN EMERGENCY SITUATION INVOLVING HEALTH, SAFETY, OR PUBLIC WELFARE WARRANTING COMMISSION ACTION EXISTS. (Charter Section 18)
2. **ORDINANCE 08-37**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CHAPTER 118 TO CREATE ARTICLE XII, SECTIONS 1610-1612; ESTABLISHING THE DOG FRIENDLY DINING PROGRAM; ESTABLISHING PERMIT REQUIRED; SUBMITTALS, ESTABLISHING GENERAL REGULATIONS; COOPERATION; ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 26, 2008** (This item was a remaining matter from the June 12, 2008 regular meeting) – City Manager Bollhoefer

ADJOURN to a regular City Commission meeting on June 26, 2008 in City Hall Chambers

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 08-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CHAPTER 118 TO CREATE ARTICLE XII, SECTIONS 1610-1612; ESTABLISHING THE DOG FRIENDLY DINING PROGRAM; ESTABLISHING PERMIT REQUIRED; SUBMITTALS, ESTABLISHING GENERAL REGULATIONS; COOPERATION; ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden appreciates the patronage of its residents and visitors to support economically the restaurants and eateries located in the City limits of Winter Garden; and

WHEREAS, many residents and visitors enjoy an outside dining experience with their dogs in designated areas; and

WHEREAS, Orange County requires local governments to pass an ordinance allowing dogs in outdoor dining areas in order for dogs to be allowed in outdoor dining areas; and

WHEREAS, Orange County requires the ordinance to contain minimum requirements.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: **Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: **Adoption:** Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to create Article XII and following sections to read as follows:

DOG FRIENDLY DINING PROGRAM

Sec 118-1610. Purpose and Intent; Program Created; Definitions.

(a) The purpose and intent of this part is to implement the pilot program established by section 509.223, Florida Statutes (2006), by permitting public food service establishments within the City of Winter Garden, Florida, subject to the terms and contained herein, to become exempt from certain portions 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 their respective establishments.

(b) Pursuant to section 509.233(2), Florida Statutes, there is hereby created in the City of Winter Garden, 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 Winter Garden Dog Friendly Dining Program.

(c) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. "Division" means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

b. "Dog" means an animal of the subspecies *Canis lupus familiaris*.

c. "Outdoor area" means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above.

d. "Patron" has the meaning given to "guest" by section 509.013, Florida Statutes.

e. "Public food service establishment" has the meaning given it by section 509.013, Florida Statutes.

f. "Zoning Official" has the meanings given it by Chapter 118, City of Winter Garden Code.

Sec. 118-1611. Permit Required; Submittals.

(a) 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 part.

(b) Applications for a permit under this part shall be made to the Zoning Official, on a form provided for such purpose by the Zoning Official, and shall include, along with any other such information deemed reasonably necessary by the Zoning Official in order to implement and enforce the provisions of this part, the following:

a. The name, location, and mailing address of the subject public food service establishment.

b. The name, mailing location, and telephone contact information of the permit applicant.

c. 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 Zoning Official. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

d. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

e. All application materials shall contain the appropriate division issued license number for the subject public food service establishment.

Sec. 118-1612. General Regulations; Cooperation; Enforcement.

(a) 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 part 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 into contact with serving 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 further conditions of the permit by the Zoning Official, 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 (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

i. At least one sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Official, 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 (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) 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 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 eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

k. Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(b) A permit issued pursuant to this part 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 part if such owner wishes to continue to accommodate patrons' dogs.

(c) In accordance with section 509.233(6), Florida Statutes, the Zoning Official shall accept and document complaints related to the Dog Friendly Dining Program within the City of Winter Garden, Florida, and shall timely report to the division all such complaints and the City's enforcement response to such complaint. The Zoning Official shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this part.

(d) Any public food service establishment that fails to comply with the requirements of this part shall be guilty of violating this part of the City of Winter Garden Code and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Winter Garden City Code and general law. Each day a violation exists shall constitute a distinct and separate offense.

SECTION 3: **Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: **Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: **Severability:** It is the intent of the City Commission of the City of Winter Garden, 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 a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: **Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2008.

SECOND READING AND PUBLIC HEARING: _____, 2008.

City of Winter Garden City Commission
Emergency Meeting Agenda
June 12, 2008

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk