



CITY OF ORMOND BEACH PLANNING DEPARTMENT

Dog Dining Application

Pursuant to Chapter 509.233 (4) (a), Florida Statutes, any public food service establishment allowing entrance of patron's dogs to an outside dining area must submit a permit application to the local government authority.

DBPR License Number: _____

Facility Name: _____

Facility Address: _____

Hours of Operation: Dog Days: S M T W T F S Hours: Begin: _____ : End: _____

Facility Phone: _____

Applicant Name: _____

Mailing Address if different than Facility Address: _____

The undersigned applicant hereby agrees to operate the canine dining areas described in this application (as attached) and in accordance with the requirements of Chapter 509, Florida Statutes and City of Ormond Beach Ordinance No. 2013-3. The undersigned certifies the information contained in this application is true and correct. The undersigned understands this application is not transferable.

Applicant Signature: _____ Date: _____

REQUIRED ATTACHMENTS: Description of outdoor area designed available for patron's dogs:

- Diagram of designated area drawn to scale.
- Dimensions of designated area.
- Description of tables, chairs, and restaurant equipment (if any).
- Ingress and Egress to designated outdoor area.
- Boundaries of designated area and other outdoor areas not available to dogs.
- Any physical barriers.
- Surrounding property lines and public rights-of-way; include sidewalks and common pathways.
- Sample of proposed signage for designated area.
- Hold Harmless agreement.
- Annual Permit Fee of \$100.00; Inspection \$45.00; Re-inspection if required \$30.00

FOR OFFICE USE ONLY

DATE RECEIVED: _____

PLAN REVIEW BY: _____

LICENSE #: _____

SIGNATURE: _____

TITLE: _____

Canine Dining Regulations:

Each restaurant type which has outdoor seating may be granted a separate permit to allow an exemption to the Food and Drug Administration Code provisions which prohibit dogs on restaurant premises. The permitted exemption would permit patrons' dogs within certain designated outdoor portions of restaurants provided the following criteria is met:

a. No dog shall be in a restaurant unless allowed by state law and the restaurant has received and maintains an unexpired permit pursuant to this sub-subsection allowing dogs in designated outdoor areas of the establishment.

b Restaurants must apply for and receive a permit from the City of Ormond Beach before patrons' dogs are allowed on the premises. The City Commission shall adopt a reasonable fee by resolution to cover the cost of processing the initial application, permitting, inspections, renewals, and enforcement.

c. The application for a permit shall require the following information:

1. Name, location, mailing address and Division issued license number of the restaurant.
2. Title, name, mailing address, and telephone contact information of the permit applicant. Applications are accepted from only the owner of the restaurant 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 restaurant shall be provided 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 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.
4. 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.
5. Days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area of the restaurant.
6. Hold Harmless agreement.

d. Restaurants that receive a permit to allow dogs in a designated outdoor area pursuant to this subsection shall require that:

1. Employees wash their hands promptly after touching, petting, or otherwise handling any dog.
2. 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 Restaurant.
3. 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.
4. Patrons keep their dogs under control and on a leash at all times.
5. 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.
6. Employees and patrons not allow any part of a dog to be on chairs, tables, or other furnishings.
7. Employees clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
8. 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.

9. 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.
10. Employees and patrons not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the restaurant.
11. At all times while the designated outdoor portion of the restaurant 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 restaurant, notifying patrons that the designated outdoor portion of the restaurant 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. Such signs shall be exempt from the sign regulations of the Land Development Code.
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 City, be posted in a conspicuous location within the designated outdoor portion of the restaurant. 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. Such sign shall be exempt from the sign regulations of the Land Development Code.
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 City, be posted in a conspicuous location frequented by employees within the restaurant. 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.
14. 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 restaurant.
15. The restaurant and designated outdoor area comply with all permit conditions and the approved diagram.
16. Employees and patrons not allow any dog to be in the designated outdoor areas of the restaurant if the restaurant is in violation of any of the requirements of this subsection.
17. Permits be conspicuously displayed in the designated outdoor area.
18. A permit issued pursuant to this sub-subsection shall expire automatically upon the sale of the restaurant 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 restaurant. Permits shall expire on September 30th of each year.

e. Enforcement and Penalties:

1. Complaints shall be processed in accordance with Article VII Code Enforcement.
2. It shall be unlawful to fail to comply with any of the requirements of this subsection. Each instance of a dog on the premises of a restaurant that does not have a valid permit authorizing dogs at the restaurant is a separate violation. Each violation of a permit condition shall also be deemed a separate violation.
3. A permit may be revoked if, after notice and reasonable time in which the grounds for revocation may be corrected as specified in the notice, the Restaurant 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.
4. If a restaurant's permit for allowing dogs is revoked, no new permit may be approved until the expiration of 180 days following the date of revocation.
5. Any restaurant that fails to comply with the requirements of this subsection shall be guilty of a Class III violation and shall be subject to any and all enforcement proceedings consistent with the City Code of Ordinances and general law.

HOLD HARMLESS AGREEMENT, IDEMNIFICATION, AND RELEASE

In consideration of obtaining a permit from the City of Ormond Beach, I (the Permittee, my representatives, employees, agents, assigns, heirs, and the like) hereby release, hold harmless, and indemnify the City of Ormond Beach, its officers, employees, volunteers, agents, representatives and the like, from any and all actions, claims, demands, losses, judgments and costs, including attorneys' fees and costs, that may be incurred in connection with 1) any and all personal injury (including, but not limited to, sickness, disease, death, or any other type of bodily injury, whether mental and/or physical) to persons and dogs that enter the premises, 2) any and all property damage and/or loss of use and/or financial loss to the premises and any and all property on or surrounding said premises, and 3) any and all damages, including but not limited to, damages for medical expenses, lost income, loss of earning capacity, hardship, pain and suffering and mental anguish, which may arise out of, be a result of, stem from, surround, be in relation to, .or which may be occasioned by any activity carried out or that should have been carried out or attempted under the terms of the permit and/or the City's Ordinance allowing patrons' dogs to be on permittee's premises. I understand that the safety of the dogs, the persons, and the property on and surrounding said premises is my responsibility and not the City of Ormond Beach. I understand that there are inherent risks to having a dog friendly restaurant. By applying for the permit, I acknowledge that I am able to evaluate all of the risks involved and feel that I can be completely and solely responsible for any and all risks involved. I freely and voluntarily assume all risks to me (the Permittee, my representatives, employees, agents, assigns, heirs, and the like), and any and all persons, property and dogs that enter or surround the premises. I do this knowingly, waiving any and all rights.

I also agree that I will obtain and hold liability insurance coverage and the coverage will include the City of Ormond Beach as a named insured.

I have carefully read and signed this document with the understanding that I am releasing the City of Ormond Beach, its officers, employees, volunteers, agents, representatives and the like, from any and all liability. I understand that I am responsible for the premises and all persons, property and dogs that enter or surround the premises, including complying with the Ordinance and all applicable laws. I am executing this document of my own free will, voluntarily, without pressure, coercion or mental reservation. I am of sound mind and completely sober, and I understand that by executing this document I may have given up substantial rights without any inducement, assurance, or guarantee.

DATED this day of _____20__.

Name of Business/Permittee Location

By: _____
Business Operator/Owner/Agent

Print Name: _____

Witness: _____

Print Name: _____

Witness #2: _____

Print Name: _____