

**ORDINANCE NO. 18-24**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA  
REPEALING ORDINANCE 07-49, CODIFIED AS CHAPTER  
2-4 OF ARTICLE II, SECTIONS 2-4-32 TO 2-4-37,  
REGARDING DOGS IN PUBLIC FOOD  
ESTABLISHMENTS; PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the United States Food and Drug Administration Food Code, adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, contains certain provisions that prohibit dogs from public food service establishments; and

**WHEREAS**, pursuant to Florida Statute § 509.233, the governing body of a local government may establish, by ordinance, a local exemption procedure to these provisions of the United States Food and Drug Administration Food Code in order to allow patrons to bring their dogs to certain designated outdoor areas of public food service establishments; and

**WHEREAS**, any ordinance adopted pursuant to Florida Statute § 509.233 is required to be codified within the land development code of the participating local government; and

**WHEREAS**, Ordinance 07-49 allowing dogs in public food establishments in Manatee County was codified in the County's Code of Ordinances (Code), and not the County's Land Development Code, as required by Florida Statute § 509.233(2)(b); and

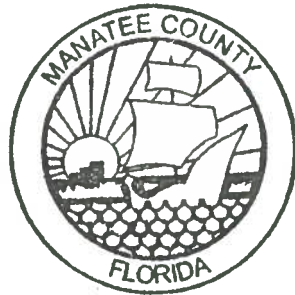
**WHEREAS**, the Board finds that Ordinance 07-49 must be repealed from the Code in order to comply with the requirements of Florida Statute § 509.233.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Article II, Chapter 2-4, Sections 2-4-32 to 2-4-37, of the Code is hereby repealed and shall be removed from the Code of Laws.

Section 2. The repeal of this ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED, with a quorum present and voting, this 10<sup>th</sup> day of April, 2018.



BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Orville*  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: *Robin Roth DC*  
Deputy Clerk

# BRADENTON HERALD

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Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

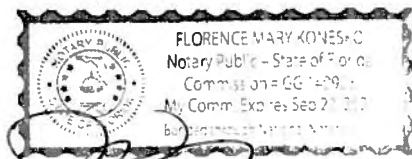
STATE OF FLORIDA  
COUNTY OF MANATEE

Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing**, was published in said newspaper in the issue(s) of **03/22/2018**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that 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.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
20 Day of March, 2018



SEAL & Notary Public  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## NOTICE OF PUBLIC HEARING

**NOTICE IF HEREBY GIVEN** pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on the **10th day of April 2018, at 9:00 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

### ORDINANCE NO. 18-24

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA REPEALING ORDINANCE 07-49, CODIFIED AS CHAPTER 2-4 OF ARTICLE II, SECTIONS 2-4-32 TO 2-4-37, REGARDING DOGS IN PUBLIC FOOD ESTABLISHMENTS; PROVIDING FOR AN EFFECTIVE DATE.**

Copies of proposed **ORDINANCE 18-24** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.  
**3/22/2018**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 11, 2018

Honorable Angelina Coloneso  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Robin Toth

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance 18-24**, which was filed in this office on **April 11, 2018**.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [tammy.larsen@mymanatee.org](mailto:tammy.larsen@mymanatee.org); [Robin Toth](#)  
**Subject:** Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 104  
**Date:** Friday, April 13, 2018 6:20:29 AM  
**Attachments:** [ATT00001.bin](#)  
[ATT00002.bin](#)

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\*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 104

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 18-13	3/6/2018	3/9/2018	Word
Ordinance No. 18-21	3/6/2018	3/9/2018	Word
Ordinance No. 18-24	4/10/2018	4/13/2018	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

**From:** [Ords Admin](#)  
**To:** [Robin Toth](#)  
**Subject:** RE: Manatee County, FL Code of Ordinances - 1981(10428) OrdLink/OrdBank, Manatee County, FL Land Development Code - 2016(12202) OrdBank, Manatee County, FL Comprehensive Plan - 2017(15530) OrdBank  
**Date:** Wednesday, April 11, 2018 3:38:40 PM

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We have received your file.

Thank you and have a nice day,  
Ords Administrator

[ords@municode.com](mailto:ords@municode.com)

1-800-262-2633

P.O. Box 2235

Tallahassee, FL 32316

When available, please send all documents in WORD format to [Ords@municode.com](mailto:Ords@municode.com). However, if WORD format is not available, we welcome any document format including PDF.

*ems*

**municode**  
[Web](#) | [Legal](#) | [Pay](#)

---

**From:** Robin Toth <[robin.toth@ManateeClerk.com](mailto:robin.toth@ManateeClerk.com)>  
**Sent:** Wednesday, April 11, 2018 9:06 AM  
**To:** 'County Ordinances' <[CountyOrdinances@dos.myflorida.com](mailto:CountyOrdinances@dos.myflorida.com)>; Ords Admin <[ords@municode.com](mailto:ords@municode.com)>  
**Subject:** Manatee County Ordinance 18-24

Good Morning,

Attached is Manatee county Ordinance 18-24, adopted by the Manatee County Commission on 4/10/18.

*Thank you,*

*Robin Toth*  
Board Records Deputy Clerk  
for Angelina Colonnese  
Clerk of Circuit Court and Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
[robin.toth@manateeclerk.com](mailto:robin.toth@manateeclerk.com)  
941-741-4018, Ext. 4179

*"Pride in Service with a Vision to the Future"*



Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

April 10, 2018 - Regular Meeting  
Agenda Item #43

Approved in Open Session 4/10/18,  
Manatee County  
Board of County Commissioners

Subject

Ordinance 18-24, Repealing Ordinance 07-49, Sections 2-4-32 to 2-4-37, Regarding Dogs in Public Food Establishments

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Anne Morris, Assistant County Attorney, ext. 3750  
Geoffrey Nichols, Assistant County Attorney, ext. 3750

Action Requested

Adoption of Ordinance 18-24, repealing Ordinance 07-49, the "Dog Dining" Ordinance, codified in Article II, Chapter 2-4 (Sections 2-4-32 to 3-4-27) of Manatee County's Code of Laws.

Enabling/Regulating Authority

Florida Statute 125.66 - Ordinance, Enactment Procedure  
Florida Statute 509.233 - Public food service establishment requirements; local exemption for dogs in designated outdoor portions.

Background Discussion

- On March 13, 2018, the County Attorney's Office responded to an RLS requesting review of Ordinance 07-49, the "Dog Dining" Ordinance. The response consisted of two proposed ordinances, one to repeal Ordinance 07-49 of the County Code of Ordinances, which lapsed in 2009, and one to provide for codification of a new "Dog Dining" ordinance in the Land Development Code, pursuant to the requirements of §509.233, Florida Statutes (this ordinance is to be heard by the Planning Commission and the Board at a later date).
- At the Board of County Commissioners regular meeting on March 20, 2018, the Board requested that the County move forward with repealing Ordinance 07-49 and updating the Land Development Code to allow public eating establishments the option to permit dining with dogs.
- Ordinance 18-24 serves to repeal Ordinance 07-49 and remove the ordinance from the Code of Laws.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other



Reviewing Attorney  
Morris

Instructions to Board Records  
Email an approved copy of this agenda item to:  
Anne M. Morris, Assistant County Attorney  
anne.morris@mymanatee.org; and  
Katie Pearson, County Attorney's Office,  
katie.pearson@mymanatee.org.

**Distributed 4/11/18, RT**

Cost and Funds Source Account Number and Name  
0010001000 - County Attorney's Office

Amount and Frequency of Recurring Costs  
\$0

Attachment: [132294407 Affidavit Manatee Co Cty Atty.pdf](#)  
Attachment: [Response Memorandum, Dogs in Public Food Establishments.pdf](#)  
Attachment: [Recission of Dog Dining Ordinance.pdf](#)

## OFFICE OF THE COUNTY ATTORNEY



MITCHELL O. PALMER, COUNTY ATTORNEY\*  
William E. Clague, Assistant County Attorney  
Sarah A. Schenk, Assistant County Attorney\*\*  
Christopher M. De Carlo, Assistant County Attorney  
Geoffrey K. Nichols, Assistant County Attorney  
Pamela J. D'Agostino, Assistant County Attorney  
Anne M. Morris, Assistant County Attorney  
Katharine M. Zamboni, Assistant County Attorney  
Alexandria C. Nicodemi, Assistant County Attorney

### MEMORANDUM

Date: March 12, 2018

To: Board of County Commissioners

Through: Mitchell O. Palmer, County Attorney *MOP 3-12-18*

From: Anne Morris, Assistant County Attorney *Amur*

**RE: Ordinance Regarding Dogs in Public Food Establishments; CAO Matter No. 2018-0126.**

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This memorandum is in response to the above referenced Request for Legal Services in which you asked this Office to review Ordinance 07-49, Manatee County's "Dog Dining" Ordinance, codified in Article II, Chapter 2-4, of the County's Code of Ordinances (Code).

Florida Statute § 509.233 authorizes local governments to adopt an ordinance allowing patrons to bring their dogs to public food establishments. Pursuant to this authority, Manatee County adopted Ordinance 07-49. On July 1, 2009, Ordinance 07-49 sunsetted and all permits issued thereunder are expired. At the March 6, 2018 Board hearing, the Board expressed its desire to have this Ordinance re-implemented.

A local government that opts to adopt such an ordinance is required to "...provide for codification within the **land development code** of [the] participating local government." Fla. Stat. § 509.233(2)(b) (2017) (*emphasis supplied*). Accordingly, Ordinance 18-22 (formerly Ordinance 07-49) has been drafted for consideration by the Planning Commission and Board for codification in the Land Development Code (LDC). At this time, Ordinance 18-22 is undergoing review by staff in the Building and Development Services Department.

In the meantime, however, and since the original ordinance (Ordinance 07-49) was not incorporated into the LDC, it is necessary to repeal the ordinance and remove it from the Code of Laws. Attached, therefore, is proposed Ordinance 18-24, providing for the removal of Sections 2-4-32 to 2-4-37 from the Code of Laws.

\* Board Certified in Construction Law

\*\* Board Certified in City, County, & Local Government Law

The County Attorney's Office will handle advertising and scheduling of Ordinance 18-24 for a public hearing. At such time as Building and Development Services staff has completed its review of the new Ordinance 18-22, it too will be advertised and scheduled for appropriate hearings before the Planning Commission and the Board of County Commissioners.

Enclosures

Copies to: Ed Hunzeker, County Administrator  
Dan Schlandt, Deputy County Administrator  
John Barnott, Director, Building and Development Services Department  
Jeff Bowman, Code Enforcement Chief, Building and Development Services Department

**ORDINANCE NO. 18-24**

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**Section 2.** The repeal of this ordinance shall take effect immediately upon filing with the Department of State.

**DULY ADOPTED**, with a quorum present and voting, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk