Sec. 10-148. Dogs within outdoor patio areas.

(a) Dogs may be allowed to be present, at the option of the local food establishment, in outdoor dining or patio areas of the establishment under the following conditions:

(1) A separate entrance must be provided from the outside of the premises of the establishment to the outdoor patio area so that dogs will have direct access to the outdoor area without passing through any interior portion of the establishment;

(2) A sign must be conspicuously posted at the front entrance of the establishment, readily visible to the public, which in substance states: "DOG FRIENDLY PATIO - DOG ACCESS ONLY THROUGH OUTDOOR PATIO ENTRANCE";

(3) All means of ingress and egress and doors to the outdoor area from the interior of the establishment must be protected with self-closing hardware;

(4) No food preparation, including but not limited to mixing drinks, serving ice, and tableside preparations, may be conducted in outdoor areas, regardless of whether a dog is present;

(5) Outdoor areas must be adequately cleaned to sanitize the area. All animal waste must disposed of outside of the establishment in appropriate waste receptacles;

(6) In the event that a dog urinates, defecates or discharges any bodily fluids in an outdoor area, food establishment personnel must respond to clean and sanitize the area immediately, within not less than five minutes of the event. The area must be cleaned and sanitized properly with all waste deposited in proper exterior waste disposal receptacles.

(7) All equipment used to clean the outdoor patio areas of the establishment must be kept and stored on the exterior of the establishment;

(8) While on duty, no food handler of the establishment, including but not limited to wait staff, bar tenders and cooks, may have any physical contact with dogs present;

(9) All dogs must be kept maintained on a leash with a collar or harness of sufficient strength to restrain the dog at all times;

(10) All dogs must have a current rabies tag affixed on the dog's collar at all times; and,

(11) No dog may occupy a seat, stool, bench, table, countertop, or other similar surface.

(b) An owner, officer, manager, or other person with supervisory authority of a food establishment commits an offense if he causes or allows a violation of this section. A violation of this section shall be punishable by fine not to exceed $500.00. A violation of this section may be punished by administrative action including, but not limited to, the revocation or suspension of permits and certificates of occupancy. The remedies provided herein are in addition to any other remedies provided by law, all such remedies being cumulative and nonexclusive.

(c) It is the intent of the city council of the city in adopting this section that an offense be a strict liability offense. In the prosecution of an offense under this section, no pleading or proof of intent shall be required to establish the guilt of the accused.

(Ord. No. 037-16, § 1, 10-18-2016)