



Request for City Council Committee Action From the Department of Regulatory Services

Date: June 5th, 2008

To: CM Don Samuels, Chair of Public Safety and Regulatory Services Committee

Subject: Ordinance amending Title 11 of the Minneapolis Code of Ordinances relating to *Health and Sanitation* by adding a new Chapter 235 entitled *Dogs; Outdoor Food and Beverage Service Establishments*, authorizing qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements.

Recommendation:

That the City Council takes action to amend Title 11 –

Add a New Chapter 235. Dogs in Outdoor Food and Liquor Establishments.

Previous Directives:

Prepared by:

Burt Osborne, Director
Lori Olson, Deputy Director
Dan Niziolek, Manager Animal Care and Control
Joel Fussy, Assistant City Attorney
Ricardo Cervantes, Deputy Director
Linda Roberts, District Supervisor, Business Licensing

Presenters in Committee:

Lori Olson, Deputy Director
Dan Niziolek, Manager of Animal Care and Control
Ricardo Cervantes, Deputy Director

Approved by:

Burt Osborne, Director

Lori Olson, Deputy Director

Financial Impact

- No financial impact
- Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Action is within the Business Plan
- Action requires a change to the Business Plan
- Other financial impact – Additional work for Divisions of Regulatory Services

Community Impact

Neighborhood Notification
City Goals
Comprehensive Plan
Zoning Code
Other

Supporting Information

On May 15th, 2008 the State of Minnesota enacted legislation that made it legal for qualifying licensed food and beverage service establishments to obtain a permit to allow dogs to accompany persons patronizing designated outdoor areas of such establishments, subject to certain minimum requirements. (See accompanying statute attachment.)

The statute provides the framework for the permit process (including information to be provided for review) as well as minimal requirements. In addition, the statute requires that statutory or home rule charter cities adopt an ordinance to permit such activity.

Ordinance Language

Regulatory Services put together an internal work group to work with Council member Goodman to develop the ordinance language. The group included representatives from Business Licensing, Environmental Health, City Attorney's Office, and Animal Care and Control.

Research of other cities' ordinances on dogs in food establishments revealed several common requirements:

- 1) Dogs not allowed inside establishments.
- 2) Dogs must be leashed.

- 3) Employees are not allowed to pet, handle, or touch the dogs.
- 4) Signage of rules required.
- 5) Dogs not allowed to come in contact with serving dishes, utensils, or any other items involved in food service operations.
- 6) Dogs not allowed on chairs, tables, or other furnishings.
- 7) Clearly designated outdoor dog areas.

These requirements are also found in the Minnesota State Statute that allows for dogs in outdoor food and beverage establishments. Thus the ordinance language largely follows state statute language. The only added requirements are: 1) requirement that establishments provide dog watering dishes (to discourage patrons using human dishes to give their dogs water), and 2) dogs must be licensed.

Application and Approval Process

Licensing has existing processes for reviewing outdoor areas. The additional requirements to allow dogs in those areas will be included in these reviews. Licensing does not anticipate a need to develop a new application, fee or process to review dogs in outdoor food establishments.

Once the ordinance is passed there will be communication with licensees about how to amend their existing outdoor areas. Licensees with a sidewalk café will be instructed to amend their diagram to show the area that dogs will be allowed and the passage way for dogs to that area. Most sidewalk cafés are approved at the maximum allowed area on the sidewalk, so dog areas will need to be within the approved boundaries. Licensing will review those amended diagrams. The sidewalk café license and diagrams will have a comment that indicates that they have an approved outdoor dog area. Licensees are required to post their licenses and the diagrams in their establishments.

Licensed establishments that have outdoor areas that are located on private property will be required to submit a diagram and will be reviewed in the same manner that sidewalk cafes are reviewed. The food or liquor license certificate will have a comment that indicates that they have an approved outdoor dog area. The licensee will be required to post the diagram in the establishment.

Currently there are more than 200 sidewalk cafes and outdoor areas. We do not anticipate that all of the licensee will be considering amending their outdoor areas to allow for dogs. We anticipate that the application amendments, review and approval of these areas will be completed within 30 days of the ordinance passage.

Enforcement

Enforcement will be complaint based and as a part of any routine inspection of the establishments. The various divisions of Regulatory Services will share enforcement responsibilities.