



MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: February 24, 2015

Re: **Ordinance amending Article II, Food Service Establishments of Chapter 22, Businesses to adopt a variance that would allow dogs in outdoor eating areas**

The city has received inquiries and requests from both restaurant and pet owners to allow dogs in the outdoor eating areas of restaurants. For example the soon to open Tavern on the Creek, during one of the initial planning meetings, inquired about the possibility of having dogs on their patio. A special request was granted for one afternoon dog rescue meeting at Kirbys.

The state food establishment regulations do not allow animals in any area where food is prepared and served to customer. The state code does, however, provide that a variance may be given for some of the rules, including the rules concerning animals. In response to the requests received by staff, and following state code, the attached ordinance creates a variance that would allow dogs in the outdoor eating area of a restaurant if the restaurant applies for and is subsequently granted a variance.

Several other cities in the area have variance provisions. The Ordinance under consideration is modeled (but is not exactly the same) after the New Braunfels ordinance. The proposed ordinance provides for a simple application procedure (with a \$25 annual fee) wherein the variance can be administratively approved by the city's environmental health supervisor. The restaurant owner would be agreeing to provide a separate entrance to an outdoor seating area (dogs, other than service dogs, still would not be allowed in food preparation areas, or the main indoor restaurant), some signage, and some increased sanitation provisions. Dogs would need to be on leash, not allowed to be on tables or chairs, and not fed in the restaurant. The proposed ordinance also adds a paragraph to the violations section that makes restaurant personnel responsible to insuring the rules are followed.