

## **Dog-friendly Patio Waivers**

**Regulations 6-501.21** prohibits animals, other than service animals and security/police dogs, from the premises of a Food Establishment. The “premises” is defined as the physical facility, its contents and the contiguous land or property under the control of the permit holder. Taken together, animals (other than service animals and security/police dogs) are prohibited in both the indoor and outdoor areas of a restaurant.

In 2010, the Environmental Health Division received authority from the Board of Health that allows the Division to issue Waivers from regulatory requirements. A Waiver is a written agreement between the Division and a permit holder that authorizes a modification of the Regulations, if in the opinion of the Division, a health hazard or nuisance will not result from the modification. Staff may require documents to support arguments for a Waiver, which may include operational plans, challenge studies, monitoring logs, etc. **Regulations section 4-101.13** describes the Waiver process, and states that the Division may impose conditions upon the Waiver. If a Waiver is granted, the Waiver approval letter is retained in the permanent file for the food establishment, and the conditions agree to become conditions for maintaining the permit in good standing. Failure to meet conditions of the Waiver may result in immediate revocation of the Waiver.

### **Waiver Process:**

- **Application:** The application states the regulation to be waived (6-501.21), the reason for the Waiver, and sets out the potential health risks and mitigating factors as described by the applicant.
- ***Supporting Documents for a Dog-Friendly Patio:*** In support of the mitigating factors noted in the application, we require the establishment to establish public patron rules, and employee clean up procedures for accidents, as well as signage, a notarized agreement, and provide a plan or map of the patio area, menus, etc.
- ***Review of the Waiver Request:*** Supervisory-level staff review the application and supporting documents to determine if the applicant has met the requirements.

Minimum requirements include:

- Waiver only applies to dogs (*Canis familiaris*);
- Dogs will only access the patio area by means of the outdoor patio;
- The dog dining area will be segregated from the general patio dining area and marked as such;
- Dogs must remain on the floor, and may not be allowed on seats, benches, and tables, or other furniture, or to be held by the owner at any time;
- Restaurant staff/employees will not touch, directly serve, or bus the dishes of a dog allowed on the patio – patrons will be advised that such activities are solely the responsibility of the dog owner;

- In cases where excrement or other bodily fluids (feces, urine, vomit) are deposited on the premises of the patio, a staff member/employee shall immediately provide a disposable waste bag and customer clean up kit to use to clean the area;
  - Waste clean up kit will contain nitrile gloves, liquid absorbent, a scoop, a scraper to be used to remove soil matter;
  - Staff will maintain a final clean up kit containing disinfectant, mops and other tools to complete the clean up and disinfection of the area – these tools will not be used for other purposes; Staff will wash hands after clean up;
  - Stanchions /cones will be provided to isolate the area while the disinfectant dries;
  - A dispenser stand for dog waste bags shall be provided and conveniently placed for patron use;
- **Approval or denial of the Waiver Request:** A formal letter is prepared and sent regarding the approval or denial of the Waiver request, and explains the responsibilities of the Waiver or the reason for denial. A fee of \$118 will then be invoiced.

***Requesting a Waiver for a Dog-Friendly Patio should not be entered into lightly – there are serious concerns regarding disease transmission and customer safety that must be understood by the applicant. The notarized agreement*** states that the applicant understands and agrees that nothing in the conditions of an approved waiver may be interpreted or construed to be in conflict with the Americans with Disability Act, and that the waiver *does not address safeguards to potential animal behavior - damage to persons and animals related to animal interactions are beyond the scope of this waiver and are the sole responsibility of the applicant.*

**Food Facility Design Assessment & Permitting, call 702-759-1258, or email:**  
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