



City of Rowlett

Official Copy

Ordinance: ORD-037-16

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING CHAPTER 10 (“BUSINESSES”) OF THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, TO AMEND ARTICLE V (“FOOD SERVICE ESTABLISHMENTS”) TO ADD A NEW SECTION 10-148, ALLOWING DOGS WITHIN OUTDOOR PATIO AREAS OF LOCAL FOOD ESTABLISHMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett finds and determines that pedestrian-friendly development within many districts in the City is encouraged by zoning concept plans and regulations; and

WHEREAS, food service and health regulations prohibit dogs in all areas of restaurants and food service establishments, including outdoor patio environments, except under certain limited circumstances; and

WHEREAS, consistent with pedestrian-friendly, walkable urban-type communities, the choice to allow pet dogs in outdoor environments should be at the option of the food service establishment, limited by certain minimum health requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

SECTION 1. That Chapter 10, “Businesses,” of the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending Article V, “Food Service Establishments,” to add section 10-148, to read in its entirety as follows:

“CHAPTER 10 BUSINESSES

...

ARTICLE V. FOOD SERVICE ESTABLISHMENTS

...

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 be 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 5 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.

SECTION 2. That all provisions of the ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Rowlett, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed the sum of Five Hundred dollars (\$500.00) for each offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provides.

At a meeting of the City Council on October 18, 2016 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Dana-Bashian Deputy Mayor Pro Tem Sheffield, Councilmember van Bloemendaal, Councilmember Hargrave, Councilmember Brown, and Councilmember Bobbitt.

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Approved by [Signature]
Mayor

Date October 18, 2016

Approved to form by [Signature]
City Attorney

Date October 18, 2016

Certified by [Signature]
City Secretary

Date October 18, 2016

