

2008-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Goodman

Amending Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation.

The City Council of The City of Minneapolis do ordain as follows:

That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 235 to read as follows:

CHAPTER 235. DOGS IN OUTDOOR FOOD AND LIQUOR ESTABLISHMENTS

235.10. Definitions. As used in this chapter:

Dangerous and Potentially Dangerous dog has the meaning specified in Minnesota Statute Section 347.50 and Title 4 of this Code.

Designated outdoor dog area means a specifically identified and defined outdoor area located on the premises of a licensed food or liquor establishment which has been approved by the director of licenses and consumer services pursuant to the requirements of this chapter.

Food establishment means those establishments licensed pursuant to Title 10 of this Code.

Liquor establishment means those establishments licensed pursuant to Title 14 of this Code.

Other person in charge has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

Outdoor area means any area utilized for food or beverage service and consumption located on the licensed premises of a food or liquor establishment but shall not include any "indoor area" as that term is defined in Minnesota Statute Section 144.413.

Proprietor has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 13, as amended from time to time.

235.20. Designated outdoor dog areas authorized. Licensed food and liquor establishments shall be eligible to apply for approval to allow dogs to accompany persons patronizing designated outdoor dog areas. The designated outdoor dog area shall be limited to approved outdoor areas; however, a dog may be present in an approved interior corridor solely for the purpose of being transported directly between the entry of the establishment and a designated outdoor dog area if direct access to the designated outdoor dog area is not capable of being provided. An approved interior corridor shall meet the requirements of the Minnesota Food Code, Minnesota Rules, part 4626.1585 6-501.115, as amended from time to time.

- (a) An applicant seeking approval for a designated outdoor dog area shall provide the following required information on an application or license addendum form as required by the director of licenses and consumer services:
 - (1) the name, location, and mailing address of the establishment;
 - (2) the name, mailing address, and telephone contact information of the applicant;
 - (3) a description of the designated outdoor areas in which the applicant intends to allow dogs; and
 - (4) a description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor areas.
- (b) An approval for a designated outdoor dog area issued pursuant to this chapter may not be transferred to a subsequent owner upon the sale of the establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for approval pursuant to this chapter if the subsequent owner wishes to continue to accommodate patrons' dogs, in addition to complying with all other applicable licensing requirements of this Code.

235.30. Minimum requirements. Any establishment obtaining approval for a designated outdoor dog area shall comply with the following requirements, which, along with the prohibitions imposed by section 235.40, must be clearly printed on a sign or signs posted on the premises in locations as established in this section:

- (1) employees must be prohibited from touching, petting, or otherwise handling dogs; should any employee inadvertently touch or otherwise

handle a dog, the employee shall promptly wash and clean their hands and exposed portions of their arms;

- (2) employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;
- (3) patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control;
- (4) the establishment shall provide an adequate number of water dishes for the sole use of dogs;
- (5) dogs must not be allowed on chairs, tables, or other furnishings; and
- (6) dog waste must be cleaned immediately and the area sanitized.

The sign required by this section shall be posted within the designated dog area in a manner and place that is conspicuous to employees and patrons. Additionally, a clearly printed sign shall be posted within the entry of the establishment that indicates where dogs are allowed on the premises.

235.40. Prohibitions. Patrons must abide by the following requirements when bringing dogs into establishments with designated outdoor dog areas:

- (1) Dangerous and potentially dangerous dogs shall not accompany patrons into the establishment; and
- (2) All dogs must be licensed and restrained by a leash as required pursuant to sections 64.10 and 64.30 of this Code.

235.50. Service animals. Nothing in this chapter shall be construed to limit:

- (1) the right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statute Sections 256C.02 and 363A.19; or
- (2) the lawful use of a service animal by a licensed peace officer.

235.60. Violation and penalties. (1) *Proprietors.* It is a violation of this chapter for the proprietor or other person in charge of any premises subject to this chapter to fail to comply with the requirements of sections 235.20 or 235.30.

- (2) *Patrons.* It is a violation of this chapter for a patron of any premises subject to this chapter to fail to comply with the requirements of section 235.40.

- (3) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.
- (4) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of the establishment's licenses or of the establishment's approval to provide designated outdoor dog areas.
- (5) *Enforcement.* The provisions of this chapter shall be enforced by the department of operations and regulatory services.
- (6) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter. Failure to seek injunctive relief shall not bar the pursuit of any other form of enforcement provided by this section or applicable law.

235.70. Severability. (a) *Severability of text.* If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.

- (b) *Severability of application.* If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.