

**Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding a variance of Section 19-15 which allows for dogs in outdoor dining areas of food establishments and the accompanying application and variance certificate fee; providing for penalties; providing for severance; and providing for publication.**

**Whereas**, the City of Corpus Christi currently prohibits any live animal or fowl to be allowed in any food establishment;

**Whereas**, the City of Corpus Christi seeks to be a more “animal friendly” community by providing a procedure whereby a variance to the prohibition of dogs in outdoor dining areas of food establishments may be obtained.

**Now therefore, be it ordained by the City Council of the City of Corpus Christi, Texas, that:**

**Section 1.** Chapter 19, Code of Ordinances, City of Corpus Christi, entitled, “Food and Food Establishments”, Section 19-15 entitled “Animals and fowl prohibited; exception” is amended by revising the title of the section, revising subsection (a) and adding subsection (f) to read as follows:

**“Sec. 19-15. - Animals and fowl prohibited; exceptions and variance for food establishments seeking to allow dogs in outdoor dining areas.”**

“(a) No live animal or fowl shall be allowed in any food establishment nor shall the operator, which includes for the purposes of this section, an owner, officer, manager, or other person in charge of the food establishment, of such establishment keep or maintain any animal or fowl within thirty-five (35) feet of any door, window, ventilator or other opening in such establishment unless an exception is provided for in this section or a variance is obtained in accordance with this section to allow dogs in outdoor dining areas.”

“(b) No food establishment may be operated within five hundred (500) feet of an existing commercial animal establishment, animal hospital, or veterinary hospital that houses animals.

“(c) Exception: This section shall not apply to any seeing-eye dog used to assist a blind person.

“(d) Exception: Subsection (b) of this section does not apply to circus, rodeo, temporary petting zoo, or temporary performing animal exhibition or a vendor.

“(e) Lawfully existing food establishments and food establishments in newly annexed area. Where any existing food establishment is situated within less than five hundred (500) feet of an existing, appropriately licensed or permitted commercial animal establishment, animal hospital, or veterinary hospital that houses animals either within the city or at a location outside the city limits, which location becomes a part of and within the boundaries of the incorporated area of the city by annexation, the distance limitation in subsection (b) of this section does not apply for a period of five (5) years from and after the passage of this amended section or the date of annexation, respectively. Extensions of this exemption may be obtained for successive five-year periods by applying for and obtaining a certificate from the city health officer certifying to the existence of sanitary conditions of the premises and neighboring premises.

“(f) Variance for food establishments seeking to allow dogs in outdoor dining areas.

“(1) A food establishment may apply to the local health officer for a variance of subsection (a) of this section for the purpose of allowing dogs in outdoor dining areas of the food establishment. The application for variance must be accompanied by a nonrefundable application fee of fifty (\$50.00) dollars. A food establishment requesting a variance must provide the following information to the local health officer who may grant a variance if in the opinion of the health officer a health hazard will not result from the variance. If the local health officer grants a variance, the health authority shall retain the information in its records.

“a. A statement that the food establishment requests a variance from §19-15 (a) of the Code of Ordinances, City of Corpus Christi, for the purpose of allowing dogs in outdoor dining areas of the food establishment;

“b. A description of how potential health hazards will be prevented if the variance is granted.

“(2) The fee for a variance certificate evidencing the variance granted under this section is fifty (\$50.00) dollars, which must be paid prior to the issuance of the variance certificate and may be renewed annually by a food establishment upon payment of an annual fee. The variance certificate is nontransferable and will be valid for one (1) year ending December 31, unless sooner revoked or suspended by the local health officer or terminated by the food establishment.

“(3) If pursuant to this section the local health officer grants a variance to subsection (a) of this section for the purpose of allowing dogs in an

outdoor dining area of a food establishment, the food establishment shall comply with the following conditions and standards in addition to any other conditions and standards established by the Health Officer for the variance:

“a. No dog may be present inside the food establishment or on any playground area of the food establishment at any time.

“b. A separate entrance must be provided from the outside of the food establishment to the outdoor dining area or patio (hereafter “patio”) so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio may not be allowed within seven (7) feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.

“c. A sign must be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO. (with an arrow showing the direction to the patio entrance) DOG ACCESS ONLY THROUGH PATIO AREA."

“d. Doors equipped with self-closing devices must be provided at all entrances to the outdoor patio from the interior of the food establishment.

“e. No food preparation may be performed in the outdoor patio area.

“f. The food establishment shall have hand sanitizer available at or near all entrances and exits to the establishment; and bags for dog waste available at or near all entrances and exits to the outdoor patio area.

“g. The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be cleaned with animal friendly chemicals at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), or, if a food

establishment has continuous food or beverage service without designated shifts, then every six (6) hours that the establishment is open for business, except that cleaning under this subsection is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be cleaned up by the dog owner and/or customer with dog on patio immediately after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

“h. While on duty, food establishment staff may not pet or have contact with any dog.

“i. A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must be currently vaccinated for rabies and wearing a collar or harness with a current license tag attached to it.

“j. A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.

“k. A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

“l. A dog may be fed doggie treats, doggie biscuits and edible treats while in the outdoor patio area and may be given treats, biscuits or water in a disposable container or from a container provided by the customer.

“(4) An operator, which includes for purposes of this section, owner, officer, manager, or other person in charge of a food establishment commits an offense if he, either personally or through an employee or agent, violates, allows a violation of, or fails to comply with a term or condition of a variance granted under this section.

“(5) A food establishment granted a variance under this section shall comply with all other applicable federal, and state laws and regulations including the Texas Food Establishment Rules, and the local provisions of this chapter and the Code of Ordinances of the City of Corpus Christi.”

**Section 2.** A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable in accordance with Chapter 19, specifically Section 19-58 and any other applicable provision of the Code of Ordinances, City of Corpus Christi.

**Section 3.** If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this ordinance be given full force and effect for its purpose.

**Section 4.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
Armando Chapa  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor