



Memorandum

Date: October 23, 2013
To: Bruce D. Glasscock, City Manager
From: Brian Collins, Director of Environmental Health
Subject: Dogs on Food Establishment Patios

Section 9-78(f)(1) of Plano's Code of Ordinances states animals may not be allowed on premises of food establishments, with exception of service animals and patrol dogs. This is based on Texas Food Establishment Rules' (TFER) exclusion of animals in food establishments. TFER are administrative rules for food safety, with effect of law, issued by the Texas Department of State Health Services and have statewide application.

Similar to environmental tobacco smoke (ETS), allowing pets into food service/dining areas introduces unintended and undesirable health effects to patrons. Dogs carry disease-causing organisms and can transmit pathogens to humans through direct and/or indirect contamination of food and facility surfaces. Some diseases dogs can transmit to people include: campylobacteriosis, cryptosporidiosis, ringworm, hood- and tapeworms, salmonellosis, parvo and rabies.

Dogs continuously shed hair and have potential to relieve themselves at a food establishment. This creates a need for increased awareness regarding allergy sensitivities, cleanliness and more frequent and rigorous cleaning efforts by food establishment employees. Food servers who pet a dog have an increased need for hand-washing.

In addition to these health considerations, dogs in food service/dining areas increase potential for injuries to people and animals. Food establishments attempt to maximize available seating by utilizing as much space as possible, which limits space between seating areas. This leads to higher concentrations of people in a limited space. Dogs are territorial and protective of their owners. Bringing a dog into a noisy, crowded, unfamiliar space leads to anxiety and fear, which are compounded by presence of food and other animals. Aggressive actions often result from these combinations. While there is potential for aggressive dogs, other dogs are overly friendly and easily excited when meeting new people. There is potential for accidental injuries caused by these dogs running or jumping to greet a new person.

Animal Services responds to more than 500 "Local Rabies Control Incidents" (bites and scratches by domestic pets) each year. Actual cases are likely several times higher due to underreporting. Whenever a bite or scratch causes a break in a person's skin, a dog is required to be placed in ten (10) day quarantine to ensure transmission of rabies did not occur. Owners are rarely happy when this occurs.

Some service dogs are often observed resting quietly at their owner's feet as a meal is enjoyed, prompting belief that all pets behave in a similar manner. Very few pets are as well trained and thoroughly socialized as properly trained service dogs. In reality, most pets have little to no basic obedience training. They jump up on people when greeting them, are frightened when placed in unfamiliar situations, and react aggressively if there is a perceived danger. Texas State Health &



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Safety Code 882.047 does not allow breed-specific ordinances. If dogs are allowed on patios of food establishments, all breeds and sizes of dogs must be allowed.

Neighboring cities (McKinney, Garland, Frisco, Allen, Richardson, and Fort Worth) do not allow pets on dining patios, in accordance with TFER.

Although TFER and Chapter 9 prohibit animals at food establishments, there are provisions for permitted food establishments to apply for variances to these rules. A variance will be granted provided a health hazard or nuisance will not result.

Dallas and Houston are two cities offering permits to food establishments which allow animals only on patios, through an application for a variance as provided in TFER. These cities charge a nominal fee (around \$100) for an inspection to ensure compliance with provisions and process the application. These variances are granted for two years before renewal is necessary. Typical guidelines include, cleaning of the patio area every six-hour shift, exclusion of animals from the building interior, removal of any animal waste within five minutes (using animal-friendly chemicals) and prohibition of employees from touching the animals while on duty. Any animal on the patios must also be on a leash and wearing a current rabies tag. Health Department staff from these cities did not identify any dog-issues reported to them.

One option available to the City is to create a section within Chapter 9 with guidelines that allow dogs on patios on food establishment patios, similar to Dallas.

Austin allows dogs on outdoor patios, without regard to application for a variance as expressed in TFER.

Staff has been unable to identify scientifically or anecdotally supported rationale for allowing dogs at food establishments.

Chapter 9 of Plano's Code of Ordinances is intended to mitigate risk associated with consumer health and ensure food is prepared and served in a sanitary manner. Due to human and animal health issues and additional sanitation requirements associated with introducing dogs onto food establishment patios, staff research suggests consumer health, animal health, and food safety risk is increased, rather than mitigated.

In addition, staff recommends a public hearing for additional input from residents regarding this topic.