



## Legislation Text

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**File #:** 12-0302, **Version:** 2

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Recommendation to authorize City Manager to implement the policy giving restaurant operators discretion in allowing pet dogs on restaurant patios where food is served. (Citywide)

On April 17, 2012, the City Council requested the City Manager to work with the Health Department to craft a policy that gives restaurant operators the flexibility to allow pet dogs on outdoor patios where food is served to customers. The City Council's request follows the implementation of similar policies adopted by other health jurisdictions such as Marin County, Santa Barbara County, Monterey County and, most recently, Los Angeles County. These policies are in response to a greater acceptance of dogs in public places and a greater number of restaurant patrons accompanied by their dogs. The Health Department has developed a draft policy to address this issue (attached). The policy will only apply to the outside dining areas of the facility. Pet dogs will not be allowed inside of the facility. The policy, as drafted, will be 100 percent voluntary. As such, it will be at the individual restaurant operator's discretion as to whether or not to allow dogs on their patios. It should be noted that police dogs and service dogs will still be permitted in customer areas of food facilities as provided for in State law. This new policy would be implemented immediately upon approval by the City Council.

The concept behind the new policy is centered on the definition of food service. Food service normally includes, assembling food ingredients, plating, portioning, pouring drinks and serving. Food service on an outdoor patio typically involves only the handing-off of a plate of food. Simply handing a plate to a customer does not constitute the full-range of food service and is therefore not prohibited under the California Health and Safety Code. The new policy approach will also be applied to applicable sections of the Long Beach Municipal Code. This policy is consistent with the policy implemented by the Los Angeles County Department of Environmental Health in December of 2011. The Health Department's Bureau of Environmental Health will enforce and respond to complaints specific to the policy.

This new policy has been drafted with input from the community. The following groups were either given presentations or corresponded with during the development of the new policy: The Chamber of Commerce, Belmont Shore Business Association, East Long Beach Business Association, Bixby Knolls Business Improvement Association, City of Long Beach Board of Health, Justin Rudd Community Action Team, Downtown Long Beach Associates (DLBA) and Council of Business Associations (COBA). The feedback from these groups was largely positive.

This matter was reviewed by Deputy City Attorney Linda Trang on July 3, 2012 and by Budget Management Officer Victoria Bell on July 9, 2012.

City Council action is requested on July 24, 2012 to comply with the 90-day due date given by City

Current staff in the Health Department's Bureau of Environmental Health will implement the policy. There is no fiscal or local job impact associated with this request.

Approve recommendation.

RONALD ARIAS  
DIRECTOR OF HEALTH AND HUMAN SERVICES

APPROVED  
PATRICK WEST  
CITY MANAGER