



# CITY OF LONG BEACH

# R-30

DEPARTMENT OF HEALTH AND HUMAN SERVICES

2525 GRAND AVENUE • LONG BEACH, CALIFORNIA 90815 • (562) 570-4000 • FAX: (562) 570-4049

July 24, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

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

## DISCUSSION

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.

HONORABLE MAYOR AND CITY COUNCIL

July 24, 2012

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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.

#### TIMING CONSIDERATIONS

City Council action is requested on July 24, 2012 to comply with the 90-day due date given by City Council on April 17, 2012.

#### FISCAL IMPACT

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.

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



RONALD R. ARIAS, DIRECTOR  
HEALTH DEPARTMENT

APPROVED:



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PATRICK H. WEST  
CITY MANAGER

Attachment: Dogs on Outdoor Patios Policy

Procedure No.  
5-10

SUBJECT

Date  
June 20, 2012

DOGS ON OUTDOOR DINING PATIOS

I. PURPOSE

To establish a uniform policy to be followed by Bureau of Environmental Health personnel for implementing the dogs on dining patios program.

II. AUTHORITY

CA Health and Safety Code (CalCode) Division 104, Part 7, Sections 114259.4 & 114259.5; and LBMC Chapter 6.16.140 & 6.16.150

III. SCOPE

Historically, animals have been prohibited from retail food facilities, including outdoor dining areas where food is served to customers by staff. Animals have always been permitted in outdoor dining areas where there is no food service (i.e. fast food outdoor dining areas where you take your own food outside). Recently, due to an increasing acceptance of animals in public places, several health jurisdictions have changed their interpretation of the definition of food facility to not include the outdoor dining area if a full range of food service is not conducted on the patio and certain sanitation and hygiene restrictions are in place.

This new policy allows the restaurant operator the flexibility to allow pet dogs on outdoor patios where food is served to customers. The policy will only apply to the outside dining patio of a food facility and will only be applicable to pet dogs. It will be at the individual restaurant operator's discretion as to whether or not to allow dogs on their patios. Police Dogs and service dogs will still be permitted in customer areas of the inside food facility as mandated by the Americans with Disabilities Act (ADA).

IV. IMPLEMENTATION

A. EDUCATE AND PROVIDE INFORMATION AND TRAINING TO THE FOOD FACILITY OPERATOR

1. An Informational Bulletin (see attached) shall be provided to operators addressing the specific requirements of the policy (voluntary participation, and sanitary and hygiene requirements, etc).
2. Provide "Dog Friendly Patio" sign. (see attached)
3. Provide training to participating facilities as needed
4. Implementation will focus primarily on education of the operator and public

Approved:

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Nelson Kerr, Bureau Manager

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Procedure No.  
5-10

*SUBJECT*

Date  
June 20, 2012

*DOGS ON OUTDOOR DINING PATIOS*

IV. IMPLEMENTATION (Cont.)

*B. EDUCATION FOR OWNERS DINING WITH THEIR PET DOGS*

1. Provide informational handout (see attached) for dog owners to be posted on City website and supplied to restaurants for distribution to customers dining with their dog.

*C. SPECIFIC REQUIREMENTS*

- A separate entrance must be provided from the outside of the food establishment to the outdoor dining patio so that dogs will have direct access to the patio without entering the interior of the food establishment.
- A sign must be posted at the entrance of the food establishment that states: "DOG FRIENDLY PATIO. DOG ACCESS ONLY THROUGH OUTDOOR PATIO."
- No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a container that has been prepared inside the food establishment.
- Customer multi-use utensils such as plates, silverware, glasses, and bowls shall not be stored or pre-set at the outdoor dining patio.
- The outdoor dining patio must be continuously maintained clean and free of visible dog hair, dog dander, dog-related waste or debris. In cases of excrement or other bodily fluids, employees shall immediately clean and sanitize affected areas.
- Dogs shall not be allowed on seats, tables, countertops, or other similar surfaces in the outdoor dining patio.
- While on duty, employees shall be prohibited from having direct contact with animals.
- The outdoor dining patio shall not be fully enclosed.
- Food and water provided to pets shall be dispensed only in disposable containers.

Approved:

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*Nelson Kerr, Bureau Manager*

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Procedure No.  
5-10

*SUBJECT*

Date  
June 20, 2012

*DOGS ON OUTDOOR DINING PATIOS*

IV. IMPLEMENTATION (Cont.)

*D. EDUCATION AND TRAINING OF ENVIRONMENTAL HEALTH STAFF*

1. Provide training to all Environmental Health Staff on the new policies and procedures
2. Provide training on the implementation schedule
3. Provide training on the specific sanitary and hygiene requirements related to this new policy and tips on how to facilitate operator and customer complaints.
4. Review "soft" rollout of new policy. Initial implementation strategy will focus primarily on education of the operator and public.

*E. INVESTIGATION OF COMPLAINTS*

1. Complaints from the public will be submitted via email at [foodinspectors@longbeach.gov](mailto:foodinspectors@longbeach.gov) or by telephone at (562) 570-4132
2. Complaints will be investigated within 3-5 days

*F. POLICY REVIEW*

This policy will be reviewed after one year to evaluate effectiveness and efficiencies.

Approved: \_\_\_\_\_

*Nelson Kerr, Bureau Manager*

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## TIPS FOR DINING WITH YOUR DOG



Although dogs are not permitted inside food facilities, Long Beach restaurants can allow dogs on outdoor dining patios if certain regulations are met.

Before planning a dinner date with your dog, you should keep in mind that there may be children and other dogs around, as well as loud talking, noises and various other distractions, which may cause your pet to be fearful or react by lunging and barking. But for dogs who really enjoy dining out, here are some guidelines that you should follow to make your dining experience a pleasant one.

### **PLANNING YOUR DINING EXPERIENCE**

- Call ahead to find out if the restaurant allows dogs on the outdoor dining patio.
- Feed your dog before you dine. A full dog is less likely to wander off in search of a snack.
- Take your dog for a walk before you dine so he is relaxed while you enjoy your meal.
- Pack a water bowl and treats for your dog.

### **AT THE RESTAURANT**

- Follow the restaurant's rules for dogs on the outdoor dining patio.
- Make sure your dog is well-behaved around other people, especially children.
- Do not take your dog into the restaurant to get to the patio.
- Do not allow your dog to sit on the chairs, tables or countertops.
- Put your dog on a leash tied to a chair. A dog tied to a table can result in spilled drinks if the dog is strong enough to move the table.
- Keep your dog close so that he is not in the path of servers or other patrons.
- Bring treats for your dog instead of feeding him or her from your plate.
- Dogs are not permitted to eat or drink from restaurant dishware. Ask a server for a disposable cup or bowl.
- Clean up after your dog. Notify the restaurant staff if they need to do any additional cleanup.



City of Long Beach Department of Health & Human Services  
Bureau of Environmental Health  
( 562 ) 570-4132





## CITY OF LONG BEACH

Department of Health and Human Services

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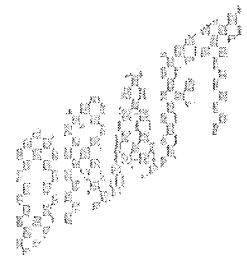
INFORMATIONAL BULLETIN No. 2012-16-05

### **Pet Dogs on Outdoor Dining Patios**

Pet dogs may be allowed on outdoor dining areas of licensed food facilities only if the following requirements are met:

- A separate entrance must be provided from the outside of the food establishment to the outdoor dining patio so that dogs will have direct access to the patio without entering the interior of the food establishment.
- A sign must be posted at the entrance of the food establishment that states: "DOG FRIENDLY PATIO. DOG ACCESS ONLY THROUGH OUTDOOR PATIO."
- No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a container that has been prepared inside the food establishment.
- Customer multi-use utensils such as plates, silverware, glasses, and bowls shall not be stored or pre-set at the outdoor dining patio.
- The outdoor dining patio must be continuously maintained clean and free of visible dog hair, dog dander, dog-related waste or debris. In cases of excrement or other bodily fluids, employees shall immediately clean and sanitize affected areas.
- Dogs shall not be allowed on seats, tables, countertops, or other similar surfaces in the outdoor dining patio.
- While on duty, employees shall be prohibited from having direct contact with animals.
- The outdoor dining patio shall not be fully enclosed.
- Food and water provided to pets shall be dispensed only in disposable containers.

# Dog-Friendly Patio



Dog Access Only Through  
Outdoor Patio



CITY OF LONG BEACH DEPARTMENT OF HEALTH AND HUMAN SERVICES  
BUREAU OF ENVIRONMENTAL HEALTH  
(562) 570-4132

